

By Mr. HUDDLESTON: Resolution (H. Res. 243) to provide for the investigation of charges made by representatives of the railroad employees of fraudulent overcapitalization and mismanagement of railroads, and for other purposes; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII,
Mr. WOODYARD introduced a bill (H. R. 8476) granting a pension to Ruth Maxwell, which was referred to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. FULLER of Illinois: Petition of the Catholic Order of Foresters, St. Benedict Court, No. 782, of Peru, Ill., opposing the enactment of the Smith-Towner educational bills; to the Committee on Education.

Also, petition of Warren B. Thayer, of Rockford, Ill., opposing Government ownership of the railroads and the plan of a financial partnership between the roads and the employees; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Association of Disabled Soldiers, Sailors, and Marines, concerning the Federal Board of Vocational Education; to the Committee on Education.

Also, petition of the Eli Bower Post, No. 92, Department of Illinois, Grand Army of the Republic, favoring the bill granting a pension of \$50 per month to the surviving veterans of the Civil War; to the Committee on Invalid Pensions.

Also, petition of the Lithuanian Roman Catholic Alliance of America, Lodge No. 221, of La Salle, Ill., urging that the United States Government recognize the present Lithuanian Government and render it moral and material assistance; to the Committee on Foreign Affairs.

Also, petition of the Illinois State Medical Society, protesting against the provision of the Harrison narcotic law, levying a tax on physicians; to the Committee on Ways and Means.

Also, petition of the Barr Clay Co., of Streator, Ill., opposing the Nolan-Kenyon bills, to provide for a permanent United States Employment Service; to the Committee on Labor.

Also, petitions of the Illinois Association of Postmasters and John H. McGrath, postmaster at Morris, Ill., for increased compensation for all postmasters and post-office employees; to the Committee on the Post Office and Post Roads.

Also, petition of the J. D. Tower & Sons Co., of Mendota, Ill., opposing Senate joint resolution No. 57; to the Committee on Labor.

Also, petition of the Free Sewing Machine Co., of Rockford, Ill., opposing the Nolan-Kenyon bill, for the continuation of the United States Employment Service; to the Committee on Labor.

By Mr. REBER: Petitions of John Rumbavage, R. F. D. No. 1, box 36, Pottsville, Pa., and T. P. Krizananskas, 137 South Main Street, Shenandoah, Pa., relative to the Republic of Lithuania; to the Committee on Foreign Affairs.

By Mr. SINCLAIR: Petition of the National Alliance of Bohemian Catholics, Lankin, N. Dak., protesting against the Smith-Towner educational bill; to the Committee on Education.

Also, a letter from A. A. Rumreich, Pisek, N. Dak., against the Smith-Towner educational bill; to the Committee on Education.

SENATE.

Monday, August 18, 1919.

Rev. John Paul Tyler, of the city of Washington, offered the following prayer:

Almighty God, Lord of our Fathers, King of all the earth, command upon us, we beseech Thee, Thy blessing, that with eyes open to Thy wisdom we may so act this day that our Nation may be more firmly established in Thy righteousness, that our world may be blessed, that the day may be drawn nearer when Thy will shall be done on the earth as it is done in heaven. Grant this, we beseech Thee, in the name of Jesus Christ, our Lord and Savior. Amen.

The Secretary proceeded to read the Journal of the proceedings of Friday last, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

HIGH COST OF LIVING.

Mr. FLETCHER. I ask to have printed in the RECORD an editorial on the subject of the high cost of living.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Florida Times-Union, Jacksonville, Fla., Friday, Aug. 15, 1919.]

WORK AND SAVE—THE REMEDY.

"In a letter made public a few days ago, the writer, W. P. G. Harding, governor of the Federal Reserve Board, makes the most practical of suggestions on the subject of the proper remedy for the universally complained of high cost of living. The letter is addressed to Senator McLEAN, chairman of the Committee on Banking and Currency, and among other commendable views gives expression to the following:

"Whether viewed from an economic or financial standpoint, the remedy for the present situation is the same, namely, to work and to save; work regularly and efficiently, in order to produce and distribute the largest possible volume of commodities and to exercise economies in order that money, goods, and services may be devoted primarily to the liquidation of debt and to the satisfaction of the demand for necessities rather than to indulge in extravagance or the gratification of a desire for luxuries.

"This is a very brief but none the less comprehensive proposition of a remedy for the ills incident to high prices. It is plain, it is practical. It is a remedy which every individual, man, woman, and child, can employ, and if generally and universally employed there is every reason to believe that there would be a very instant and exceedingly large measure of relief from the affliction of high prices.

"During the days and years of war the people responded very generally to the requests for sacrifice, for getting along with as little as possible of even the essential necessities of life and without any of the luxuries, for the purpose of helping 'to win the war.' Those sacrifices did help. Of this there is no question. This being so in war time, why not make it so in peace time, not to the severe extent which many loyal patriots went in the matter of self-denial but to an extent that will do good to themselves and to the country?

"Denial and saving were practiced during war time for the good of others, that our soldiers might have all that they required and that fellow human beings might not be permitted to starve to death. Which was eminently right and proper—in the highest sense patriotic. Why, then, for the benefit of the individuals themselves, should there not be very much of this same habit of economy, of saving, of efficient work, speeded to the limit, in order that good may come to them? By this is not meant a degree of saving that partakes of stinginess and of unreasonable stinting, for which there is no call at this time. But there is a call, and one that is loud and strong, to all the people to make a halt in the prodigality of spending, of denying themselves luxuries that they can very well do without and saving the money that they are now paying out in this manner against the 'rainy day' which is sure to come sooner or later to the rich and poor alike, to the union man as well as to him who belongs to no labor organization.

"Wise men and women save in the days of their prosperity; those who are foolish waste. Sane, sensible men who work, either with head or hand, or combining both, work with all the efficiency that they are capable of in order that the product of their labor may be of the best possible and in maximum quantity, realizing that by efficient and productive service they are helping themselves to attain to higher places of employment and service and at the same time reap the rewards that come with efficient labor that is at the same time productive of the utmost amount that it is possible to produce in a given time.

"Of a truth, there is entirely too much of the inclination and practice to do as little as possible and to do that little with only sufficient efficiency to 'get by' to the pay desk, where workers of this class make demands for increased pay and shorter working periods. What is the result? That everybody, workers included, must pay higher prices for the necessities of life, for the things they absolutely need. Were this not so, were efficiency of labor and volume of production speeded up and practiced more generally, it is reasonable to believe that prices would soon take a downward trend and that labor so given would command the maximum of compensation.

"What is here said is by no means meant to convey the impression that what is commonly designated as labor should be denied the privilege of getting all the compensation that efficient work is entitled to. Nor are the luxuries of life and living justifiably to be denied to those who toil. But there is a reasonable line that all men and women must draw, each for himself and herself. And as that line of reason is put into practice right now, so will come individual prosperity and advancement, and from the individual to the city, the county, the State, and the Nation."

RELATIONS WITH MEXICO.

Mr. BRANDEGEE. Mr. President, with the permission of the Senate, I should like to read to it an editorial in the New York Sun of yesterday, which, as a member of the committee to investigate Mexican affairs and a member of the

Committee on Foreign Relations, appeals to me with a distinct and emphatic interest. It is as follows:

[From the Sun and New York Press, Sunday, Aug. 17, 1919.]

IF MR. WILSON'S LEAGUE WAS ESTABLISHED AND WE HAD TROUBLE WITH MEXICO.

"There is one fortunate thing, and only one, about the Mexican circumstances—the wavering policy of the administration in regard to the protection of American lives and property in Mexico and the impudent attitude of Mr. Wilson's protégé Carranza. It is this: The situation affords a valuable indication of what our plight under similar conditions would be if the treaty was ratified unchanged, as the President has demanded; if the provisions of the covenant were a national obligation, if the league of nations was established and operating according to the plan which our self-appointed representative at Paris has been trying to force upon his country.

"Consider it!

"With the United States a member of the league of nations and Mexico a nonmember, trouble between the two Governments threatening war would at once become the business of the permanent secretariat, the council, and the assembly at Geneva.

"See article 11:

"Any war or threat of war, whether immediately affecting any of the members of the league or not, is hereby declared a matter of concern to the whole league, and the league shall take any action that may be deemed wise and effectual to safeguard the peace of nations.

"The United States could escape this alien jurisdiction only by waiting two years after giving notice of intention to withdraw, and even then not unless the judgment of the exotic supergovernment was that we had fulfilled all our international obligations in general and all our special obligations under the covenant.

"See article 1:

"Any member of the league may, after two years' notice of its intention so to do, withdraw from the league, provided that all its international obligations and all its obligations under this covenant shall have been fulfilled at the time of its withdrawal.

"Will it be believed that according to the letter of this international law proposed by the President of the United States to the Senate of the United States all our relations with Mexico since 1847—or, as to that, with any other nation since the birth of time—would actually become subject, by our own consent, to scrutiny and appraisal by a foreign tribunal unknown to our Constitution? Yet such would be the case, provided the secretariat, the council, and the assembly at Geneva decided to exercise their clearly delegated powers of review. And if the foreign supergovernment acquitted us, it would nevertheless be two years before we could finally break away from the disastrous entanglement.

"A dispute between the United States and Mexico over matters involving the protection of American lives and property in Mexico would immediately and automatically result in an invitation from the league to Mexico to become a member on a parity with the United States.

"See article 17:

"In the event of a dispute between a member of the league and a State which is not a member of the league, the State or States not members of the league shall be invited to accept the obligations of membership in the league for the purposes of such dispute, upon such conditions as the council may deem just.

"If Mexico should accept the invitation and become for the purposes of the dispute a member of the league the United States would be compelled by its contract under the covenant to forego its present right of dealing with the Mexican question in its own independent way and to submit its case either to arbitration or to investigation by the exotic council. Meanwhile our hands would be tied for at least three months, probably for many months, while Mexico went on murdering.

"See article 17 and article 12:

"If such invitation is accepted the provisions of articles 12 to 16, inclusive, shall be applied with such modifications as may be deemed necessary by the council.

"If there should arise between members of the league any dispute likely to lead to a rupture which is not submitted to arbitration [and the matter of border outrages or murders in the interior could never be submitted by the United States to foreign arbitration] the members of the league agree that they will submit the matter to the council.

"The council may in any case under this article [article 15] refer the dispute to the assembly. The dispute shall be so referred at the request of either party to the dispute, provided that such request be made within 14 days after the submission of the dispute to the council.

"So Carranza's government, merely by accepting for the purposes of this 'dispute' the obligatory invitation to become a member of the league, could shelter itself for an indefinite time from precautionary or punitive measures on our part behind the action of the assembly, in which we should have no vote and the British Empire, for example, would have six votes; and this exotic body would decide for us what we might do or might not do for the prevention of outrage along the Rio Grande or murder

of Americans in the interior. And in case the decision of the supergoverning assembly was one which the United States could not in honor or in interest accept, and we should insist on a procedure not approved by the supergovernment, we should by our own showing have declared war not only against Mexico but against Great Britain, France, Italy, Japan, and all the other members of the league, big and little.

"See article 16:

"Should any member of the league resort to war in disregard of its covenants under articles 12, 13, or 15, it shall ipso facto be deemed to have committed an act of war against all other members of the league which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking State, and the prevention of all financial, commercial, or personal intercourse between the nationals of the covenant-breaking State and the nationals of any other State, whether a member of the league or not.

"Further still in article 16:

"It shall be the duty of the council in such case to recommend to the several Governments concerned what effective military or naval force the members of the league shall severally contribute to the armed forces to be used to protect the covenants of the league.

"And if, undeterred by the Ernulphian curse of the covenant, the United States should persist in pursuing its rightful course of action respecting Mexico and should disentangle itself from the league either by the regular, if slow, process of withdrawal or by voluntarily and joyfully incurring the penalty of expulsion which article 16 provides, and if Mexico, for shelter for the crimes of her bandits and the irresponsibility of her Government, should remain a member when we were out, the celebrated article 10 would become operative for the benefit of the other party to the 'dispute':

"The members of the league undertake to respect and preserve as against external aggression the territorial integrity and political independence of all members of the league. In case of any such aggression or in case of any threat or danger of such aggression the council shall advise upon the means by which this obligation shall be fulfilled.

"We have taken the trouble to attempt to exhibit thus concretely and specifically the bearing upon our independence of action with regard to Mexico of the covenant which President Wilson has prepared for our shackling. It has been his pleasant fashion while demanding the ratification of the treaty as he proposes it down to the smallest iota to describe the covenant as no abandonment of the Monroe doctrine, but, on the contrary, as a beautiful extension of that doctrine. We should say so—an extension with a vengeance! Prismatic idealism indeed!

"Is there an American worthy of the name who does not prefer that our policy regarding Mexico and our dealings with Mexico in case of border or internal outrage upon American citizens or their property shall remain as now matters for our own decision and settlement, exclusive of any interference or supervision from the other side of the Atlantic or the other side of the Pacific?

"The Sun hopes so and believes so and is confident that the Eagle is of the same mind."

CALLING OF THE ROLL.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gerry	Nelson	Smoot
Ball	Gronna	New	Spencer
Bankhead	Hale	Nugent	Stanley
Brandeggee	Harris	Overman	Sterling
Chamberlain	Harrison	Page	Sutherland
Colt	Henderson	Phelan	Thomas
Culberson	Jones, N. Mex.	Philips	Townsend
Curtis	Kellogg	Pittman	Trammell
Dial	King	Poinexter	Wadsworth
Edge	Kirby	Pomerene	Walsh, Mass.
Elkins	La Follette	Ransdell	Walsh, Mont.
Fernald	McCormick	Robinson	Wolcott
Fletcher	McKellar	Sheppard	
Gay	McNary	Smith, Ga.	

Mr. GERRY. I desire to announce the unavoidable absence of the Senator from Maryland [Mr. SMITH]. I wish also to announce that the Senator from Virginia [Mr. SWANSON], the Senator from Nebraska [Mr. HITCHCOCK], the Senator from Alabama [Mr. UNDERWOOD], and the Senator from Mississippi [Mr. WILLIAMS] are detained on official business.

The VICE PRESIDENT. Fifty-four Senators have answered to the roll call. There is a quorum present.

RURAL CREDITS AND VOCATIONAL EDUCATION.

The VICE PRESIDENT. The Chair lays before the Senate a resolution passed by the Senate of Porto Rico, praying that the rural credits and vocational education laws be made applicable to Porto Rico, which will be inserted in the RECORD and referred to the Committee on Pacific Islands and Porto Rico.

The resolution is as follows:

I, José Muñoz Rivera, secretary of the Senate of Porto Rico, do hereby certify that the attached copy is a true and correct transcription of Senate resolution 1, entitled: Senate resolution praying the Congress of the United States to make applicable to Porto Rico the laws known as "Rural credits" and "Vocational education" acts, approved on April 1, 1919.

Senate Chamber, April 4, 1919.

[SEAL.]

JOSÉ MUÑOZ RIVERA,
Secretary of the Senate.

Senate resolution praying the Congress of the United States to make applicable to Porto Rico the laws known as "Rural credits" and "Vocational education" acts.

Whereas it is the sense of the Senate of Porto Rico and of the people of Porto Rico represented by it that the application to this island of the congressional acts generally known as the "Rural credits act" and "Vocational education act," would be highly beneficial to the country in general; and

Whereas the Legislature of Porto Rico, at its first regular session, transmitted to Congress a petition identical to that herein contained and no opportunity should be given Congress even to suppose that the interest of the country to benefit by the said acts has been abandoned: Now, therefore, be it

Resolved by the Senate of Porto Rico, That the Congress be, and the same is hereby, respectfully petitioned to make applicable to Porto Rico, through proper legislation, the laws generally known as the "Rural credits act" and "Vocational education act"; and be it further

Resolved, That this resolution be transmitted in the usual manner, and immediately upon approval thereof, to the President of the Senate and the Speaker of the House of Representatives of the United States and to the Resident Commissioner of Porto Rico in Washington, for their knowledge; and be it further

Resolved, That the subject matter of this resolution shall be urged in Congress and before the Federal authorities by any commission hereafter created by the legislative assembly for the purpose of urging before the said bodies and officials any matter relating to Porto Rico.

AUT R. BAREEL,
President of the Senate.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a memorial from the chairman of the American Commission on Irish Independence, pointing out the grave injustices and abuses which have grown up under the passport system, and praying for legislation to correct these abuses, which was referred to the Committee on Foreign Relations.

Mr. FLETCHER presented a petition of the City Council of Jacksonville, Fla., praying for an increase in the salaries of postal employees, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Florida, praying that producers of potash in this country be required to sell in competition with potash producers from all other countries, which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of the Board of Trade of Tampa and of sundry citizens of Tampa, Lakeland, Winter Haven, Avon Park, Crystal River, Belleview, and Orlando, all in the State of Florida, praying for Federal control of the meat-packing industry, which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry citizens of Miami, Fla., praying for the enactment of legislation to reduce the high cost of living, which was referred to the Committee on the Judiciary.

Mr. CURTIS (for Mr. KEYES) presented a petition of sundry citizens of Brookline, N. H., and a petition of sundry citizens of New Market, N. H., praying for the ratification of the league of nations treaty, which were referred to the Committee on Foreign Relations.

Mr. FERNALD presented a memorial of the Union Grange, Patrons of Husbandry, of Aroostook, Me., remonstrating against the ratification of the proposed league of nations treaty, which was referred to the Committee on Foreign Relations.

Mr. PHELAN presented a petition of the Sonoma County Building Trades Council, of Santa Rosa, Calif., praying for the ratification of the proposed league of nations treaty, which was referred to the Committee on Foreign Relations.

Mr. MOSES presented a petition of sundry citizens of Benton, N. H., and a petition of sundry citizens of New Hampton, N. H.,

praying for the ratification of the proposed league of nations treaty, which were referred to the Committee on Foreign Relations.

Mr. PAGE presented a memorial of the Holy Name Society of Swanton, Vt., remonstrating against the ratification of the proposed league of nations treaty, which was referred to the Committee on Foreign Relations.

Mr. NELSON presented petitions of sundry citizens of Minneapolis, Lake Park, Frazee, Owatonna, Bemidji, Winona, Belgrade, and St. Paul, all in the State of Minnesota, praying for the repeal of the so-called luxury tax, which were referred to the Committee on Finance.

Mr. TOWNSEND presented petitions of Local Union No. 1233, United Brotherhood of Carpenters and Joiners of America, of Detroit, Mich., of sundry citizens of New York City, Fairmont, W. Va., Logan and Laurelville, Ohio, and Richmond, Va., praying for an increase in the salaries of postal clerks, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Saginaw, Mich., remonstrating against the ratification of the proposed league of nations treaty, which was referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of Marquette, East Lansing, Muskegon, Central Lake, Alma, Lyons, Colon, Glen Arbor, Detroit, and Adrian, all in the State of Michigan, praying for the ratification of the proposed league of nations treaty, which were referred to the Committee on Foreign Relations.

He also presented a petition of Local Union No. 411, International Molders' Union, of Owosso, Mich., praying for the passage of the so-called civil-service retirement bill, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Saginaw, Mich., remonstrating against the enactment of legislation providing for Federal control of the meat-packing industry, which was referred to the Committee on Agriculture and Forestry.

Mr. LODGE presented memorials of sundry citizens of Springfield, Lawrence, Watertown, Boston, Beverly, Brookville, Grafton, Fall River, Pittsfield, and Somerset, and telegrams in the nature of memorials from sundry citizens of Boston, all in the State of Massachusetts, remonstrating against the ratification of the proposed league of nations treaty, which were referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of Brookline, Milton, Templeton, Winthrop, Boston, New Bedford, Sudbury, Norton, Roxbury, Lawrence, West Roxbury, and South Yarmouth, all in the State of Massachusetts, praying for the ratification of the proposed league of nations treaty, which were referred to the Committee on Foreign Relations.

He also presented a memorial of sundry citizens of Milford, Mass., remonstrating against the enactment of legislation providing for Federal control of the meat-packing industry, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Rising Hope Lodge, No. 22, International Order of Good Templars, of Mattapoisett, Mass., and a petition of sundry citizens of Boston, Roxbury, and Dorchester, all in the State of Massachusetts, praying for the enactment of legislation providing for the enforcement of prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry Greek citizens of New York City, N. Y., Buffalo, N. Y., Waltham, Mass., Pottsville, Mass., Newark, N. J., Lagrange, Ga., and Charlotte, N. C., praying that Thrace, Macedonia, Epirus, and Dodecanese be annexed to Greece, which were referred to the Committee on Foreign Relations.

Mr. WALSH of Massachusetts. During the past few weeks I have received from citizens of Massachusetts a large number of communications pro and con relative to the league of nations. I present these communications and ask that they be referred to the Committee on Foreign Relations. The petitions favoring the league substantially as it stands and those either opposing it in toto or insisting upon important reservations as a condition of acceptance I have had grouped, and I ask that the list may be printed in the Record under the appropriate headings.

The VICE PRESIDENT. Without objection, it is so ordered. The list is as follows:

1. RELIGIOUS ORGANIZATIONS.

The International Federation of Catholic Alumnae.
The Massachusetts Federation of Churches (15 denominations; 2,300 Protestant churches).
The Unitarian and other liberal churches of Barnstable County.
The Andover Association of Congregational Churches and Ministers.
The annual meeting of the New England Society of Friends.
And 22 individual churches.

2. LABOR ORGANIZATIONS.

The Amalgamated Association of Street and Electric Railway Employees.
 The Carpenters' District Councils of Lowell and vicinity and Springfield and vicinity.
 The Central Labor Unions of Framingham, Gardner, North Adams, and Westfield.
 The Allied Shoe Workers' Union of Lynn.
 The Boot and Shoe Workers' Union of New Bedford.
 The Brotherhood of Railroad Trainmen of Boston.
 The United Brotherhood of Carpenters and Joiners of America.
 The Pattern Makers' Association of Worcester and vicinity.
 The railway clerks of the New Haven and Albany railroad systems.
 The Bricklayers' and Plasterers' International Union of Massachusetts.
 The Brotherhood of Railway Carmen of America.
 The International Association of Fire Fighters.
 The Iron Moulders' Union of North America.
 The International Brotherhood of Electrical Workers.
 The International Brotherhood of Papermakers.
 And 115 local unions throughout the State.

3. OTHER ORGANIZATIONS.

The National Grange, the Massachusetts State Grange, and local granges in Ashby, Montague, South Carver, Templeton, Warwick, and Westwood.
 The National Conference of the League of Free Nations' Associations.
 The Maryland branch of the League to Enforce Peace.
 Division 14, Ancient Order of Hibernians (Mittineague).
 The Good Government Club of Auburndale.
 The Natick Teachers' Association.
 The Millville Lodge, Ancient Order of American Workmen.
 The Karel Havlicek Society of West Springfield.
 The National Slovak Society of Boston.
 The League of (20) Jewish Women's Organizations.
 The Women's Christian Temperance Union of Millville and South Hanson.
 The Women's Clubs of Hyannis, West Medford, and Whitman.
 The Abigail Batchelder Chapter, Daughters of the Revolution.
 And the Ladies' Physiological Institute of Boston and vicinity.

4. INDIVIDUALS.

President Ellen F. Pendleton, of Wellesley College; Mrs. J. Malcolm Forbes, Harriet Whittier, and 20 other writers of personal letters.

1. IRISH-AMERICAN ORGANIZATIONS.

The United Irish Societies of Holyoke.
 The Irish Victory Fund League of Holyoke.
 The County Galway Men's Benevolent Association of Greater Boston.
 The Friends of Irish Freedom, of Clinton, Lawrence, Leominster, Lowell, and Greater Boston.
 The Robert Emmet Branch Friends of Irish Freedom, of Roxbury.
 The annual convention of Ancient Order Hibernians Widows' and Orphans' Fund Insurance.
 Meeting of Concord citizens, June 26, 1919.

2. OTHER ORGANIZATIONS.

Camp No. 50, United Spanish War Veterans, of Revere.
 Post No. 30, of the American Legion, of East Boston.
 Local No. 4, International Brotherhood of Stationary Firemen, Holyoke.
 Bottlers' and Drivers' Local 122, of Boston.

3. INDIVIDUALS.

Rev. David Claiborne Garrett, of St. Peter's Church, Cambridge, and 61 other writers of personal letters.

REPORTS OF COMMITTEES.

Mr. FLETCHER, from the Committee on Military Affairs, to which was referred the bill (S. 861) for the relief of Edward W. Whitaker, reported it with amendments and submitted a report (No. 150) thereon.

Mr. WADSWORTH, from the Committee on Military Affairs, to which were referred the following joint resolutions, reported them each with amendments and submitted reports thereon:

A joint resolution (S. J. Res. 79) exempting the Dixie Highway from the prohibition contained in the act approved July 11, 1919 (Rept. No. 152); and

A joint resolution (S. J. Res. 83) to permit the payment for certain lands where requisition of the title thereto was duly served and possession taken thereunder or where a binding agreement was entered into followed by the taking possession thereof and erection of improvements thereon prior to July 11, 1919 (Rept. No. 153).

PROHIBITION OF INTOXICATING LIQUORS.

Mr. STERLING, from the Committee on the Judiciary, I report back favorably with amendments the bill (H. R. 6810) to prohibit intoxicating beverages, and to regulate the manufacture, production, use, and sale of high-proof spirits for other than beverage purposes, and to insure an ample supply of alcohol and promote its use in scientific research and in the development of fuel, dye, and other lawful industries, and I submit a report (No. 151) thereon. I wish to state that at the earliest opportunity I shall move to proceed to the consideration of the bill.

The VICE PRESIDENT. The bill will be placed on the calendar.

BILL INTRODUCED.

Mr. CAPPER introduced a bill (S. 2808) granting a pension to Brittan Capril Smith, which (with the accompanying papers) was referred to the Committee on Pensions.

EDWARD SIGERFOOS.

Mr. POMERENE. I introduce a bill to correct the military record of Edward Sigerfoos, and I ask that it be referred to the Committee on Military Affairs. I may say that it is a redraft of Senate bill 2717, introduced for the same purpose by me on August 4, 1919. I have redrafted it in order to have it in harmony with a precedent which was established by the Congress of the United States, as will be seen in an act to correct the military record of John T. Haines, approved February 17, 1915. I make this statement for the information of the Committee on Military Affairs.

The bill (S. 2807) to correct the military record of Edward Sigerfoos was read twice by its title and referred to the Committee on Military Affairs.

FEDERAL CONTROL OF INDUSTRIES.

Mr. FERNALD. Mr. President, I give notice that on Thursday next I shall desire to address the Senate on the Federal control of industries.

PEACE TREATY—INDUSTRIAL CONDITIONS.

Mr. THOMAS. Mr. President, I desire to give notice that on Friday next, at the conclusion of the morning business and with the permission of the Senate, I shall submit a few observations upon part 13 of the peace treaty, and, in connection therewith, some observations relating to the present industrial conditions in America.

EFFECT OF TREATY RESERVATIONS.

Mr. PITTMAN. Mr. President, I give notice that on Wednesday next, or as soon thereafter as I may be heard, I intend to submit some remarks on the effect and efficacy of interpolative clauses in a separate but contemporaneous resolution.

INTERNATIONAL POLICY IN THE LEVANT AND THE FAR EAST.

Mr. McCORMICK. Mr. President, I give notice that on Wednesday next, at the conclusion of the morning hour, I purpose to address the Senate on the subject of the treaty in its relation to international policy in the Levant and the Far East.

LETTER FROM EX-GOV. M'CALL.

Mr. LODGE. Mr. President, I ask unanimous consent to have printed in the Record a letter from ex-Gov. McCall, of my State, on the duties of straight Americanism.

There being no objection, the letter was ordered to be printed in the Record, as follows:

[The Sun, Sunday, Aug. 17, 1919.]

A LEAGUE FOR FUTURE WAR—FORMER GOV. M'CALL ON THE DUTIES OF STRAIGHT AMERICANISM.

TO THE EDITOR OF THE SUN.

SIR: As one of those very strongly of the opinion that the time has come for a concert of the nations against war, I have felt that our acceptance of the proposed league should be conditioned upon modifications chiefly relating to the independence of the United States and its equality among the nations. The league will be under a sufficient handicap on account of the general provisions of the treaty without having America stripped of any of those vital attributes which have helped her to become the greatest pacific force the world holds to-day. One hesitates to speak in detail of what our Allies are taking from the peace. We wish them all well, but we must be filled with dismay when the nations of Europe have broken with all the traditions of their statesmanship and when an order is proposed at the price of hopelessly upsetting the equilibrium of the world. If the results of the peace shall abide, the future imperialist of some of the allied nations will fondly look back upon this period, in its acquisition of territory and permanent transfer of trade, as upon his country's golden age.

One of the great empires which for a thousand years has played a foremost part in the government of Europe has been torn limb from limb, and in its place are established new nations founded upon doubtful ethnological lines and coming into the world fighting each other. That fate is visited upon Austria which a century ago was proposed for France.

No sympathy need be wasted upon Germany. As to her, it is what Lloyd-George calls a terrible peace, but it is terrible not merely in its present aspects but for the enormous mass of hate that it will transmit to the future. To uphold such a peace and safeguard the spoils of so many empires will tax all the resources of a league of nations, which would have no light task to preserve the peace in a normal world and not have strapped upon it the burden of this new order. We must face the fact that we are in danger of having a mere league of victors rather than a world-wide league of nations, and a peace that must be propped up by the bayonets of a minority of the Caucasian and a small minority of the yellow race.

That the arrangement now proposed infringes upon the sovereignty of this Nation need not be argued. The French treaty makes more explicit the view that its foremost architects entertained of the function of the league. Under that treaty our obligation to send armies to France is to take effect at the command of the league and to terminate when, if ever, the same power shall release us from it. To delegate to an alien authority the power to decide when we shall fight and when we shall cease fighting is to surrender the very plume and crest of sovereignty.

Our Nation asks nothing; it will take nothing. But our brave soldiers did not fight to yield up to Europe and Asia that independence which was so greatly won and has been so greatly kept by their countrymen of other times. Seriously to impair that would be an appalling calamity even to the peace of the world, and it would be to break faith with the past as it has never been broken by a nation except under the most extreme compulsion.

If the time for internationalism has come evidence of it should not appear in America alone; but the other nations are as intensely national as ever. If they remain national while we become international and dissipate our energies over other lands we shall soon be only a free horse for the world to ride. Our eyes will be forever turned upon Europe, and what remains of America will do its thinking in terms of the Briton and Teuton and Gaul and degenerate into a mere intellectual province.

If the rights of America need safeguarding or the league may be improved it is the obvious duty of the Senate to propose the requisite changes. The power of negotiating treaties is confided to the President. The practice that has at times been followed of choosing Members of the Senate as his agents has been gravely condemned by the greatest Senators as an infringement upon the Senate's power judicially to review. But that power of review is as constitutional and as vital as the power of negotiation. It was never more vital than in this crisis. It now devolves upon the Senate to determine to what it can give its advice and consent as the Senate of the American people.

SAMUEL W. McCALL.

WINCHESTER, MASS., August 16.

BRITISH-CONTROLLED OIL FIELDS.

Mr. PHELAN. Mr. President, I recently presented a report of Mr. Van H. Manning, of the Bureau of Mines, in which he referred to the monopolization of the oil of the world in foreign hands. I have now an article from the Sunday Times of London of July 27, giving a report of a meeting of the Bolivar Concessions (Ltd.)—already absorbed by a new monopoly—Mr. D. Elliott Alves, chairman of the company, presiding, who in his address not only confirms all that Mr. Van H. Manning presented to the Secretary of the Interior and through me to the Senate, concerning the control of oil, but he goes further and reveals now the existence of the "British Controlled Oil Fields (Ltd.)," a company designed to absorb great oil properties. His report is so illuminating that I ask that the part of it which I have marked be printed in the Record.

There being no objection, the matter referred to was ordered to be printed in the Record, as follows:

"It is well that shareholders should realize what the constitution of the British Controlled Oil Fields (Ltd.), in which you are so largely interested, really is. This corporation has been organized in such a way as will enable it, I am advised, in due course to occupy a position in the oil world probably second to none, and a brief outline of the magnitude of its operations and its immense potential future will at this stage be of value to the shareholders in the present company. It is known to a number of shareholders of this company that vast concessions have been acquired from, and others are at the present moment being negotiated with, the Governments of a number of mid-Central American Republics and private owners. These concessions stretch from the frontier of Mexico right away to Brazil, forming an almost uninterrupted chain of concessions and properties encircling approximately two-thirds of the Caribbean Sea, with numerous ports on the Atlantic and Pacific Oceans. The areas comprised in these great possessions already amount to over 18,000,000 acres, and will at the conclusion of satisfactory negotiations, now in progress with various republics, exceed this figure many times over. It is not to be assumed that such vast areas will all contain oil, or, even if they do, in highly commercial quantities, but it is a fact that large areas are already known to do so. The greatest care is being taken to ascertain which areas are likely to be most lucrative for the operations of the British Controlled Oil Fields (Ltd.), and various expeditions have been sent to mid-Central America and are at present operating and investigating there, under the

leadership of some of the most eminent British oil engineers and geologists, with fully equipped staffs to assist them in arriving at these conclusions.

"And this is the position as it applies to the shareholders of this company and the shareholders of the British Controlled Oil Fields (Ltd.); but there is another standpoint from which the position must be viewed, and that is its importance in its relation to the British Empire. Machinery has already been created, as I had occasion to mention at a previous meeting, which places the whole of the oil supplies which may be obtained from this vast chain of territories, should they each, or, in fact, any number of them, prove of the value anticipated, absolutely under British control. A voting trust has been created, which will be permanent, and the result of which will be that, no matter who may acquire controlling share interests, however financially powerful they may be, can ever divert a single barrel of oil from national or imperial requirements. For all time, in some instances, and in others for the full life of the concessions, adequate supplies of oil, we may confidently assume, should the fields develop at the ratio we are led to believe they will, will be at the disposal of either the Imperial Government or the nation. Having in mind the supplies of oil now available for the world's consumption and the constantly expanding demand which is increasing at a ratio and will continue to so increase year by year in quantities unthought of only a comparatively few years ago, it is unquestionably evident that the future, and not so far distant future, perhaps, of the British Controlled Oil Fields (Ltd.) holds out great promise. It must be borne in mind, however, that such a vast field of operations, covering so many countries, although fortunately linked together, will require for its development, and I might say even a comparatively small portion of its area, a considerable period of time and an immense expenditure of money and technical knowledge. Time is at our command, also the highest technical knowledge, and we believe that all the capital that will be necessary will also be available."

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had, on the 15th instant, approved and signed the following acts and joint resolution:

On August 15, 1919:

S. 2594. An act to extend the time for the construction of the Broadway Street Bridge across the Arkansas River between the cities of Little Rock and Argenta, Ark;

S. 2595. An act to extend the time for the construction of the Main Street Bridge across the Arkansas River between the cities of Little Rock and Argenta, Ark.; and

S. J. Res. 80. Joint resolution to authorize the President to convene a meeting of an international labor conference in Washington, D. C.

RETURN OF THRACE TO GREECE.

Mr. McCORMICK. Mr. President, I ask leave of the Senate to read part of a cable dispatch from Paris under date of August 16, and then to have inserted in the Record, in connection with a word I wish to say, three other dispatches of about that date.

The idea—

That is, of dealing with Thrace—

is that central Thrace shall be internationalized, and thus provide Bulgaria with an international outlet to the sea; that western Thrace shall be divided between Bulgaria and Greece, Bulgaria obtaining the northern shoulder of the region and Greece the southern portion to the sea. Eastern Thrace, with Adrianople on its border, would follow the fate of Constantinople.

The other cables deal with the seemingly unrelated question of the British treaty with Persia, which in England as well as in France, according to the cables, is considered tantamount to the establishment of a protectorate.

Almost every day brings evidence from Europe that the negotiations in Paris are following the old habit of dividing the spoils among the victors. The great powers among the victors can not agree to accord Constantinople to the State which obviously should administer it, whether under the fanciful form of a mandate or in sovereignty—Greece. They can not decide to divide Thrace between Bulgaria and Greece or award it to Greece, because they want to retain for themselves Constantinople, one of the great strategic points of the world. That is the motive which leads them to refuse to Greece what should be properly awarded to her—sovereignty over Thrace and Constantinople. Yet at the same time, apparently privy from the deliberations of the conference in Paris, Great Britain made, consummated, and ratified a treaty with Persia which

establishes what is in substance a protectorate over that country. Nothing like that has happened since Disraeli, secretly from his colleagues, in that conference in the congress of Berlin, sold the support of Britain to the Turks.

The Senator from California [Mr. PHELAN] has just introduced a report touching on the question of oil. It happens that one of the great undeveloped oil fields of the world is in Persia, and it has been whispered in London, as Senators know, that the formation of the Anglo-Persian Oil Co. in 1913 was one of the causes which brought on the great conflict.

Mr. President, I have taxed the patience of the Senate by these few remarks at this time. I ask that the dispatches referred to by me be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

COUNCIL PLANS TO SPLIT THRACE INTO THREE PARTS.

[By G. S. Adam, special cable from the London Times to the Washington Post. Copyright, 1919, by the Public Ledger Co.]

PARIS, August 16.

The peace conference appears to be getting nearer to a solution of the difficult question of the future of Thrace. No unanimous decision yet has been taken. Indeed, it is difficult to take any decision during the uncertainty as to America's rôle in Constantinople and the remnant of Turkey in Europe, but practically there is an agreement among the powers—with the exception of Greece, naturally—in regard to splitting up Thrace.

The idea is that central Thrace shall be internationalized and thus provide Bulgaria with an international outlet to the sea; that western Thrace shall be divided between Bulgaria and Greece, Bulgaria obtaining the northern shoulder of the region and Greece the southern portion to the sea.

Eastern Thrace, with Adrianople on its border, would follow the fate of Constantinople.

This solution has not received the approval of M. Venizelos, and the conference is now awaiting the result of certain direct representations which have been made to Mr. Wilson before it comes to a final decision.

PARIS, Friday, August 15.

Announcement that the Shah of Persia would visit Europe, with circumstances relative to his trip which have recently come to light, is causing much comment in the French political press circles, criticism predominating. The Echo de Paris says:

"Great Britain has just imposed upon Persia a veritable protectorate. It is an important step on the course which the London cabinet has been following for the past five years, and it is hoped the expansion of British influence in that region does not mean the effacement of France."

Attention is drawn to the fact that the Anglo-Persian treaty was concluded without being submitted to the league of nations.

[By a staff correspondent of the Sun. Copyright, 1919, all rights reserved.]

PARIS, August 15.

The French newspapers have been stirred up by the news from Teheran that the British minister there has just obtained the signature of the Shah to an agreement by which Persia will pass exclusively under British control, the finances to be reorganized by British agents and the army to be placed under British officers. Already, according to the French papers, this action has been resented by the people, who accuse the Government of having sold their country.

It is recalled that the Persians sent a delegation to the peace conference, which, like those of the Koreans and Egyptians, were kept outside and never heard. British diplomacy in Persia appears to be proceeding regardless of the league of nations.

According to the French view Persia has been placed exactly in the position of Egypt. The Journal des Debats says it is the last act of a process which has developed with a logic that has not escaped the attention of those who have watched events outside of the conference. It adds:

"The fact that Persia has been admitted as an adherent of the league of nations can not inspire many illusions. British policy has not ceased to concentrate its forces upon Persia, forbidding it to engage counsellors, even simple foreign professors, while the peace conference tries without result to settle a policy for Europe."

LONDON, August 15.

Official announcement was made to-day that the Persian and British Governments have concluded an agreement by which Great Britain will be enabled to provide Persia with expert assistance and advice toward the rebuilding of the Persian State. The negotiations have been in progress for nine months.

The first article of the agreement pledges Great Britain to respect absolutely the territorial integrity and independence of Persia.

Persia by the terms of the agreement will establish a uniformed force, in which will be incorporated the various existing armed bodies. This force will be put under the instruction of British officers. Great Britain will advance Persia \$10,000,000 to enable Persia to initiate certain contemplated reforms with the help of a British financial adviser. Persian customs receipts will be security for the loan.

Various provisions of the agreement will enable Great Britain to back Persia in realizing several unsatisfied claims.

Provision is made in the agreement for a revision of the existing treaties between Great Britain and Persia. The agreement recognizes Persia's claim to compensation for material damage suffered at the hands of other belligerents during the war and for certain frontier rectifications.

The Paris Temps on Thursday said that the proposed departure from Teheran of the Shah of Persia on a visit to Europe had been hastened by the feeling aroused in Teheran over the signing of an agreement with Great Britain. The paper said that the agreement seemingly would result in Great Britain being the only power to exercise influence in Persia.

[Special cable dispatch to the Sun. Copyright, 1919, all rights reserved.]

LONDON, August 17.

Within six weeks of the signing of the covenant of the league of nations, which provides in article 8 for the fixing of the scale of national armaments by the council of the league, Great Britain has entered into an agreement with Persia to supply that country with such military officers, munitions, and equipment as may be considered necessary.

Furthermore, Great Britain is to supply and Persia to pay for whatever expert advisers are deemed to be necessary after a consultation between the two Governments. The money for improving conditions in Persia, amounting to \$10,000,000, will be loaned by Great Britain at the comfortable interest of 7 per cent, while as further evidence of her good will England is prepared to cooperate in the revision of the treaties already in force with Persia, the first in regard to Persia's claim to compensation for material damage inflicted by the other belligerents, and the second in regard to the rectification of Persia's frontier where it is agreed to be justifiable.

For months past the Persian delegation in Paris has been seeking to lay specific questions before the conference. It has been reported that every nation represented in Paris has been perfectly willing to hear Persia's statements except Great Britain. For example, it was desired to engage certain French educationals for Persia, but this was vetoed by the British for the purpose of maintaining their monopoly. By obtaining this monopoly Great Britain has placed herself in a position to do for Persia what Persia desired the peace conference to do in the name of all the Allies.

Practically, Persia now forms a link in the chain of British influence from Egypt to the antipodes. Especially important is the bearing of this new agreement upon future relations between Great Britain and Russia, which in prewar days pursued a policy of active aggression in northern Persia and is practically certain to hold similar aspirations when a stable government is established in the former empire of the Czar.

Under the old régime Persia practically was divided between Russia and Great Britain, the former taking the northern part, including Teheran, the capital, and the British the south, with a neutral zone between. The treaty by which this was done still is in effect, and there is little doubt that in time Russia will claim that it is still a binding agreement, which might entail grave possibilities as between Russia and England.

Mr. WALSH of Montana. Mr. President, the Senator from Illinois [Mr. McCormick] has rendered a very valuable service in calling attention to the basic selfishness that has actuated the representatives of most of the nations participating in the congress at Versailles. It is the conviction of the people of this country, and I think of the people of the world, that there was one nation and but one nation represented at that congress or now represented at that congress which has no selfish purposes to subserve. The chief representative there from our country, the President of the United States, has most notably stood for the sentiment of unselfishness so far as it was manifested in that great gathering; but I desire to inquire, Mr. President, of the Senator from Illinois what encouragement has been given to the President of the United States in his efforts to inject a little unselfishness, a little consideration for the principles of justice, in his great work in that body? Is it not a fact that the Senator from Illinois and other party friends of his have seized every opportunity to speak with scorn and contempt of "idealistic efforts" of the President of the United States? What more, then, can be expected of the representatives of other countries, who have their own selfish interests to subserve, when our own people speak in this manner of any effort to proceed along other lines?

Mr. McCORMICK. Mr. President, since the Senator from Montana has asked that question I will go so far as to say, by way of reply, that, in so far as I am able, I expect to show that under articles 10 and 11 of the treaty the wrongs done in Asia and the fruits of the selfish and perfidious policy of the past are guaranteed to the wrongdoer.

Mr. FALL. Mr. President, I am struck by the observation of the Senator from Montana. He asks what is being done by any of the Senators—the party friends of the Senator from Illinois—to counsel or to console the President of the United States in his attempt to inject altruism or idealism into our relations with foreign countries. I have to plead guilty to being one of the party friends of the Senator from Illinois and also to being one of those who have not approved of very many of the provisions of the proposed treaty. For myself I may say that I have no criticism of the President of the United States or of the American negotiators of the treaty—and, of course, as the Senator well knows, that means the negotiator, the President of the United States—where the President of the United States has attempted to inject any idealistic theories or altruistic doctrines into the document, nor where he has attempted to express himself altruistically or idealistically, nor where he has attempted to lead the American people idealistically or altruistically. I have no objection to any of these matters at all except where, in my judgment, such attempted injection of idealism or altruism would result disastrously to the people of the United States by entangling them in such agreements or covenants as would obligate them even morally, by force of arms or by economic pressure or otherwise, to carry out such idealistic theories or altruistic doctrines, where in many cases, in my judgment, the people themselves directly affected or to be affected by such idealistic

theories or altruistic doctrines do not themselves want such doctrines put in effect nor such idealism preached to them. This is the line of departure apparently in so far as the general good of the world is concerned.

The fact that I am a party friend of the Senator from Illinois would not lead me either to criticize the President of the United States or to vote against his policies unless I believed that such policies would now and in the future menace the Government or the peace or the prosperity of the citizens of the United States. In many instances, in looking into matters of this kind, exercising my very best judgment, and using all my ability in endeavoring to ascertain what is meant by many of the provisions of the treaty and by many of the utterances of the President of the United States, I have determined definitely in my own mind that to attempt to crystallize such theories and such altruistic doctrines in a great treaty of peace, so called, would result not in eventual peace, or even any peace for the present, but would result in future wars; that the United States in adopting such theories may be of itself assisting in bringing about or perpetuating such wars, and would, in the future at any rate, jeopardize its own peace and its own interests and those of its own people in some future wars.

That is a selfish doctrine as compared with the altruistic doctrine or the idealistic theory. I admit that to start with, and I admit that when the interests of the people of the world, socially and commercially, are concerned I may be able to see beyond the seas on either side and possibly almost as far as can the Senator from Montana toward the North or the South Pole. He can see farther when the political interests of the United States are concerned, apparently, than I can; because I admit that when it becomes a question of the political interests of the people of the United States as differentiated from the interests of the other peoples of the world I desire to guard such expression of such interests so that first, last, and all the time will the interests of the people of the United States be guarded. Therefore politically I may not be able to see beyond the "horizon" of the United States.

Mr. WALSH of Montana. Mr. President, I can recall no instance when the Senator from New Mexico has subjected himself in any degree to whatever reproach may have been implied in any of my remarks addressed to the Senator from Illinois. I give the Senator from New Mexico the credit for the very highest motives in the stand he has taken in reference to the ratification of the treaty that is now before us for consideration, and I quite agree with him in much that he has said.

We entered the Great War, Mr. President, for the protection of our own rights and to safeguard the interests of our own people; but when we were in it it was a great source of satisfaction to us that in accomplishing that result for our own people we were conferring lasting and inestimable benefits upon peoples struggling for liberty all over the world. So, likewise, in the treaty that is before us it will be the duty of every Senator to consider what action he should take with respect to what is to the interest of this country.

I am supporting the treaty because I believe it is for the future welfare of the people of this country that the treaty should be ratified. I hope and expect that it will save our people, our citizens, from the burdens and from the tragedies of another great world war, but in accomplishing that result I feel a gratification that we shall bring equally great benefits and advantages to all the people of the world.

Mr. President, speaking about Shantung, to which the Senator from Illinois adverted, everybody recognizes that the provision in relation to Shantung is simply an application of the old principle under which wars were waged, that "to the victors belong the spoils." In other words, Mr. President, in that particular instance the principles of justice, the principles of right announced by the President as those upon which the treaty ought to be negotiated, were departed from. Everybody recognizes that he was unable in every feature of the treaty to obtain recognition for the principles for which he so nobly stood. But, Mr. President, it occurs to me that it comes with ill grace from any man who did not stand behind him and back him up in the enunciation of those principles to endeavor now to bring discredit upon the work of the conference by asserting that therein the principles of selfishness, the doctrines of the old statesmanship, obtained to a greater or lesser degree. If a man backed up the President in the matter, he might then speak with some degree of regret about the matter rather than with contempt.

HIGH COST OF LIVING.

Mr. SPENCER. Mr. President, I have received a letter from the dean emeritus of the law school of the University of Missouri presenting a legal phase of the high cost of living, which

is new. If there is no objection, I ask that it be placed in the RECORD.

The VICE PRESIDENT. Without objection, it will be so ordered.

The letter is as follows:

UNIVERSITY OF MISSOURI, LAW SCHOOL,
Columbia, Mo., August 13, 1919.

DEAR SENATOR SPENCER: I follow rather closely the contents of the CONGRESSIONAL RECORD, as I have besides yourself several friends in your august body whose speeches I like to read. Senators in attacking high prices in Washington have referred to the hotels and restaurants and the outrageous charges of some of them. And I note in the newspapers of this week that in a number of our cities the proprietors of leading hotels are announcing that on account of the closing of the bar they will be forced to still greater increase in their rates. Now, I am not a prohibitionist, as you know, but in my travels abroad I have frequently put up at the temperance hotels in London and other English cities and towns. I found them always well kept and most comfortable, and their rates a little lower than at the hotels with the same accommodations where liquors were served or which had a bar. So this reason is, I imagine, sheer camouflage to deceive the public and head off any protest by putting the blame on the antiliquor legislation.

My attention was first called to this subject many years ago. During the Louisiana Purchase Exhibition at St. Louis I had lodgings in a private family near the fair grounds, but one night was stranded downtown through a railroad breakdown and had to go to a leading hotel. The night clerk said that he could not tell me the price as the bookkeeper had gone to bed, but I was taken to a rather small room which I occupied, the clerk saying that he would make it all right in the morning. Next morning a new face was in the office and when I asked for my bill was told that it was \$15 for exactly six hours' occupancy. I replied that I could rent a farmhouse with 500 acres and all the machinery for running it in Boone County for less than that sum per day and refused to pay it, telling the clerk that he could sue me or send me a reasonable bill as he chose. A week later I received a bill for \$5, which I paid.

When I got home I made the incident the subject of a lecture to my law class on the regulation of charges of public agencies, and later made a thorough examination of the law on the subject from the earliest times.

Being myself the author of a book on the Law of Bailments I have given the subject considerable study, and without citing the decided cases I would like to put before you my conclusions.

The common law—which in this respect we have closely followed in the United States—recognized the right of the legislature to regulate the charges of public agencies. But what callings fell within the rule varied from time to time. There was a period when the tailor and the blacksmith were so regarded; another period when the farrier and the physician came under this description, but at the end of the seventeenth century these had disappeared. But two classes had from the earliest history been regarded as public callings and have continued until this day, viz, the common carrier and the innkeeper.

In the United States there has never been a dispute as to these two and to them have been added in recent years other modern agencies unknown to the era of the common law, such as the telegraph and telephone, the grain elevator, gas and water companies, and so forth.

We have been very vigilant in regulating the charges of the common carrier, proceeding on the common-law rule that the charges of the carrier must be reasonable. But how is it that the innkeeper, while subject to State and municipal laws as to other matters of regulation of business, has entirely escaped the rate regulation of the railroad, the street car, the telegraph, the telephone, and the gas and water companies? I can find hardly any instance of legislative or municipal rate regulation of the hotel keeper since colonial times. Instead of that, the curious result has come about that while the railroad has been compelled to lower its rates for passengers, the hotel keeper has not only not been touched, but has been encouraged to raise his rates for guests. At the St. Louis Fair the city demanded that the railroads reduce their rates, and they did so at once, while nobody demanded that the hotels would reduce theirs, but, on the contrary, expected that they would increase them.

Yet the same legal principle applies to both. The law says that being public agencies the railroad and the innkeeper must receive all that apply so long as he has room, that he must make no discrimination for the same service, and that his charges in the absence of legislation fixing them must be reasonable. Fancy a railroad saying, "There is such a crowd coming on my cars next week to Washington that the rates of fare will be doubled." But that is just what the innkeeper always does.

Yet both, according to the common law, are under the same obligation, whether passengers and guests are few or many. Neither is bound to take more than he has accommodations for; the first come are entitled to be first served, but neither the one nor the other has a legal right to charge the passengers or guests he has room for a higher rate than his usual rate simply because more patrons are presenting themselves than he can accommodate.

I am sure that this is a point which has occurred to few people. I can find no qualification of the common-law rule as to the reasonable charge of the innkeeper in the judicial reports, so it is still the law of the land.

When you come to examine the matter by comparison, you soon find that the charge for hotel accommodation in this country has always been too high. Even \$2 a day seems too much for a simple, small room when you compare it with the rent of a whole house. Before the war you could get a very comfortable residence in our towns for \$60 a month. You know my residence here—a flourishing city of 15,000; you know my roomy house of 12 or 13 rooms, better furnished than the average hotel, with garden and grounds and magnificent shade trees. When I was abroad several summers and winters studying the European criminal procedure I thought myself fortunate to rent it furnished for \$60 a month, and if I were to rent it to-day in these times I could not get more than 30 per cent advance. Yet the local hotels, for a stuffy room not large enough in which to swing a cat, would want this much at least.

I have intended to draw attention to this phase of the law of innkeepers in some law journal, but other matters have prevented me.

I would suggest that Congress should try a hotel rate regulation law in the District of Columbia. There it would clearly have jurisdiction after the war. And all over the land it could extend that law so as to cover travelers from other States. This would be absolutely effective, for no city or town or State would very long permit its own citizens to be charged higher rates than the citizens of other States or foreigners.

Very sincerely,

JOHN D. LAWSON, LL. D.,
Dean Emeritus.

AFFAIRS IN KOREA.

Mr. SPENCER. Mr. President, I hold in my hand a sworn statement of Mr. Homer B. Hulbert, who was for 23 years a resident of Korea and the confidential adviser of the Emperor of Korea. This statement presents information which I think Senators will be glad to read. I ask that it be printed in the RECORD and referred to the Committee on Foreign Relations.

There being no objection, the statement was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA,
District of Columbia, city of Washington, ss:

Homer B. Hulbert, being duly sworn, says that he sojourned in Korea for 23 years; that he was sent to Korea shortly after the signing of the treaty of amity and commerce between the United States and Korea, which was executed in 1882, by the State Department of the United States, and at the request of the Korean Government, to assist in the organization of a school system in Korea. That during the 23 years that he was in Korea he became the friend and confidant of the Emperor of Korea and became intimately acquainted with political and general conditions in Korea, and considers himself competent to speak the facts as to those conditions. That he has prepared the attached statement and summary of facts and conditions, and that said statement is true. That he has in his possession the originals of which reproductions are attached to said statement and knows that they are authentic, and stands ready and offers to produce the same in any legislative or judicial tribunal that is or may be considering the questions affecting the Korean situation.

H. B. HULBERT.

Subscribed and sworn to before me this 15th day of August, A. D. 1919.

[SEAL.]

HUGH W. BARR,
Notary Public.

WHAT ABOUT KOREA?

The time has arrived when it seems necessary to lay before the American people some facts bearing upon request of the Korean people that they be freed from the tyranny of Japan. This request was made by millions of that nation in a perfectly peaceful way on March 1, 1919, and was met by a perfect orgy of abuse and persecution on the part of the military authorities there. Thousands of people were beaten, tortured, and even killed, and women were treated with obscene brutality.

In order to show the genesis of this remarkable moral and patriotic uprising in which the Koreans, realizing clearly the tragic consequences of their demand, stood up and declared that death is preferable to a continuance of the present situation, it will be necessary to review briefly the course of Japanese policy in that country.

There has never been a time in history, from 600 B. C. to the present time, when Japan has not exhibited a hostile and aggressive spirit toward the Korean people and Government. For 2,000 years it was a series of robber raids and attempted extortions on the part of Japan, until in 1390 A. D. a Korean general succeeded in inflicting

such punishment upon the corsairs that they ceased for a time their raids. But in 1592 the Japanese invaded the country with an immense army, and it was only after seven years of sanguinary strife that combined Korean and Chinese armies finally expelled the invaders. It is said that 20 per cent of the Korean population perished in this conflict. It put a stop to Japanese aggression for 300 years.

When Korea was opened to foreign relations, about the year 1882, Japan immediately began to exercise her baneful influence again. In 1884 she organized and supported by force of arms an insurrection in Korea, in which every minister of the King's cabinet was murdered in cold blood before his very eyes. In 1895, after the Japan-China War, though formally recognizing the independence of Korea, Japan made such outrageous demands, economic and commercial, that the Queen of Korea put her foot down and used her great influence to veto the proposition. Therefore the accredited minister of Japan to Korea sent into the palace a band of ruffians, who killed the Queen and incinerated her body, nothing being found but one little finger.

But, not content with this, the Japanese forced upon the King a cabinet of traitors, who held the King a prisoner, and through these tools they compelled the King to put out an edict degrading his dead Queen, the mother of his children, to the position virtually of a prostitute. Perhaps the reader will see why the Koreans have never been eager to accept "western civilization" at the hands of the Japanese.

But Korea managed to hold off the Japanese until after the Japan-Russia War. It will be remembered that at the beginning of that war Japan made a treaty with Korea guaranteeing her perpetual independence. The fact that such treaty was entirely insincere and that the Japanese had no intention of keeping it has nothing to do with the binding nature of the treaty. But it became immediately evident that Japan had no intention of implementing that treaty honestly. She allowed her people to abuse and rob the Koreans without affording any means for redress. She kept encroaching thus until it became evident that the treaty was in her eyes merely a "scrap of paper."

The Emperor of Korea, being aware of the fact that in his treaty with America there was a clause in which the American Government promised to use its good offices if Korea was endangered and announced the fact to us, determined to appeal to our Government to carry out that important clause of the treaty. The following is a translation of his letter to the Washington Government:

Ever since 1883 the United States and Korea have been in friendly treaty relations. Korea has received many proofs of the good will and the sympathy of the American Government and people. The American Representatives have always shown themselves to be in sympathy with the welfare and progress of Korea. Many teachers have been sent from America who have done much for the uplift of our people.

But we have not made the progress that we ought. This is due partly to the political machinations of foreign powers and partly to our mistakes. At the beginning of the Japan-Russia war the Japanese Government asked us to enter into an alliance with them, granting them the use of our territory, harbors, and other resources, to facilitate their military and naval operations. Japan, on her part, guaranteed to preserve the independence of Korea and the welfare and dignity of the royal house. We complied with Japan's request, loyally lived up to our obligations, and did everything that we had stipulated. By so doing we put ourselves in such a position that if Russia had won, she could have seized Korea and annexed her to Russian territory on the ground that we were active allies of Japan.

It is now apparent that Japan proposes to abrogate their part of this treaty and declare a protectorate over our country in direct contravention of her sworn promise in the agreement of 1904. There are several reasons why this should not be done.

In the first place, Japan will stultify herself by such a direct breach of faith. It will injure her prestige as a power that proposes to work according to enlightened laws.

In the second place, the actions of Japan in Korea during the past two years give no promise that our people will be handled in an enlightened manner. No adequate means have been provided whereby redress could be secured for wrongs perpetrated upon our people. The finances of the country have been gravely mishandled by Japan. Nothing has been done toward advancing the cause of education or justice. Every move on Japan's part has been manifestly selfish.

The destruction of Korea's independence will work her a great injury, because it will intensify the contempt with which the Japanese people treat the Koreans and will make their acts all the more oppressive.

We acknowledge that many reforms are needed in Korea. We are glad to have the help of Japanese advisers, and we are prepared loyally to carry out their suggestions. We recognize the mistakes of the past. It is not for ourselves we plead, but for the Korean people.

At the beginning of the war our people gladly welcomed the Japanese, because this seemed to herald needed reforms and a general bettering of conditions, but soon it was seen that no genuine reforms were intended and the people had been deceived.

One of the gravest evils that will follow a protectorate by Japan is that the Korean people will lose all incentive to improvement. No hope will remain that they can ever regain their independence. They need the spur of national feeling to make them determine upon progress and to make them persevere in it. But the extinction of nationality will bring despair, and instead of working loyally and gladly in conjunction with Japan, the old-time hatred will be intensified and suspicion and animosity will result.

It has been said that sentiment should have no place in such affairs, but we believe, sir, that sentiment is the moving force in all human affairs, and that kindness, sympathy, and generosity are still working between nations as between individuals. We beg of you to bring to bear upon this question the same breadth of mind and the same calmness of judgment that have characterized your course hitherto, and, having weighed the matter, to render us what aid you can consistently in this our time of national danger.

[Private Seal of the Emperor of Korea.]

It will be noted that in sending this letter the Emperor of Korea was fulfilling a necessary part of the contract, for by failing so to appeal he would forfeit the benefits of the treaty. He entrusted that letter to me to deliver into the hands of the President of the United States. I showed it to the American minister in Seoul, Korea, and for two reasons: First, I was unwilling to do anything that might look like mere intrigue. I was under no obligation to make public my mission, but as an American citizen I thought it incumbent upon me to acquaint my own authorities with what was to happen. In the second place, it was evident that Japan might attempt to seize Korea at any moment, and I wanted the Government in Washington to know in advance that such a letter was on the way, so that if Japan should use force upon the Korean Emperor and cabinet during the transmission of that document the

American Government might delay action in regard to recognition of the downfall of Korea until the letter should arrive and could be taken into consideration.

The Japanese suspected that something was on foot. It may be that the American minister told them. The sequel warrants such suspicion. At any rate, the Japanese immediately began to bring pressure upon the Emperor and his cabinet to give Japan a protectorate; but it was peremptorily refused. The Emperor was desperately trying to hold them off until the letter should be presented in Washington. Day after day they worked until that letter had passed Yokohama, Honolulu, San Francisco, Denver, and St. Louis. At Cincinnati it was still one day from Washington, and the Japanese were desperate. That night they broke into the palace and filled it with armed Japanese. They brought the Emperor and the cabinet together and made a final and menacing demand for the instant signing of a treaty of protectorate. All protested their utter unwillingness to sign. The Japanese took Mr. Han Kyu-Sul, the prime minister, into a side room, and Field Marshal Hasegawa, the same who is now governor general of Korea, drew his sword and demanded his consent. It was refused. They left him there under guard and went back to the rest of the cabinet and asked them if they would sign now. Being sure that Han Kyu-Sul had been killed and that they also would be killed, three of them signed the document. But it still required the seal of State. The Emperor had secretly dispatched a man to throw this seal into the lake, but the Japanese managed to secure it and attached the seal to the document. This was done almost at the very instant the letter reached Washington.

As yet unaware of the tragedy that was happening in Seoul, I sent to the President saying that I was bearer of an important document from the Emperor. Of course, this fact had been cabled on from Korea by the American minister, and I supposed that the President would be not only willing but eager to see the letter; but instead of that I received the astounding answer that the President would not receive it. I cast about in my own mind for a possible reason, but could imagine none. I went to the State Department with it, but was told that they were too busy to see me. Remember that at that very moment Korea was in her death throes; that she was in full treaty relations with us; that there was a Korean legation in Washington and an American legation in Seoul. I determined that there was something here that was more than mere carelessness. There was premeditation in the refusal. There was no other answer. They said I might come the following day. I did so and was told that they were still too busy, but might come the next day. I hurried over to the White House and asked to be admitted. A secretary came out and without any preliminary whatever told me in the lobby that they knew the contents of the letter, but that the State Department was the only place to go. I had to wait till the next day. But on that same day, the day before I was admitted, the administration, without a word to the Emperor or Government of Korea or to the Korean legation, and knowing well the contents of the undelivered letter, accepted Japan's unsupported statement that it was all satisfactory to the Korean Government and people, cabled our legation to remove from Korea, cut off all communication with the Korean Government, and then admitted me with the letter.

The following is the receipt which I received:

DEPARTMENT OF STATE,
Washington, November 25, 1905.

H. B. HULBERT, Esq.,
23 Union Avenue, Mount Vernon, N. Y.

DEAR SIR: The letter from the Emperor of Korea which you intrusted to me has been placed in the President's hands and read by him. In view of the fact that the Emperor desires that the sending of the letter should remain secret, and of the fact that since intrusting it to you the Emperor has made a new agreement with Japan disposing of the whole question to which the letter relates, it seems quite impracticable that any action should be based upon it.

Very truly, yours,

ELIHU ROOT.

The reference to secrecy was because the Emperor was anxious not to have the Japanese know what was going on. Perhaps it is not the first time that an important document of state has been withheld from public comment, at least until it has been delivered. The fact of its being too late was because they held off for two days, until it was too late.

The next day I received the following cablegram from the Emperor. It was taken across from Korea to Chefoo, so as not to be sent over Japanese wires:

"I declare that the so-called treaty of protectorate recently concluded between Korea and Japan was extorted at the point of the sword and under duress, and therefore is null and void. I never consented to it and never will. Transmit to American Government."

"THE EMPEROR OF KOREA."

I took that cablegram to the State Department and put it into the hands of the Assistant Secretary of State, who merely said that he would put it on file. Those two documents which are, or ought legally to be, on file in the archives of the State Department are conclusive proof of the wholly illegal character of Japan's occupation of Korea. Of course brute force can and will have its way, but to-day Korea is de jure a free and independent government, and in demanding physical and actual independence Korea is asking nothing that is not morally and legally her own. The world is talking about Shantung, but Japan's occupation of Korea is fully as illegal as her occupation of Shantung. It is even more illegal, for Japan took Shantung from Germany and not directly from China. I am not defending Japan in Shantung. That occupation is an outrage that calls for and will receive justice in the long run, but Korea was directly stolen without even a decent pretense. In the one case Japan is the receiver of stolen goods; in the other she herself is the original culprit. The fact that some time has elapsed does not validate her claim to Korea nor, in the eyes of respectable people, will the acquiescence of all the great powers in Japan's seizure of Korea render that seizure the less damnable.

It has been said that Korea deserved no sympathy, because she made no effort to oppose the act. This is based wholly upon misapprehension of the facts and upon Japan's excellent control of news sources. For five years the Koreans, by thousands, fought as best they could among the mountains, freezing and starving in the wintertime. Once an entire regiment of Japanese was overwhelmed and destroyed, their gatling gun was taken away among the hills. The Japanese called them bandits. If so, then Garibaldi was a footpad, Cromwell was a bandit, Paul Jones was a pirate, and George Washington at Valley Forge was a brigand.

The women of Korea gave their jewels to sell to save their country. Even the prostitutes came by scores and laid at their country's feet the profits of their nameless toil. Never in history has there been shown more splendid patriotism than the Koreans have exhibited.

If it be said that the Emperor was resigned to this ignominious fate, I will show that this, too, is an error. Although a prisoner in his palace in the hands of the Japanese, he delivered into my hands in June, 1907, a letter to each of the great powers, the United States, Great Britain, France, Belgium, Germany, Russia, Austria-Hungary, and Italy, couched in identical terms, of which the following is the letter to England:

"To His Majesty the King of England, greeting:

"For many years the Government of Korea has been in friendly treaty relations with the Government of Great Britain and has often received evidences of the good will of that power. In this time of our difficulty we feel sure that all people who desire to see justice done will sympathize with us. In order to show that great injustice has been done us we hereby declare that the so-called treaty of November 18, 1905, was fraudulent, because (1) the signatures of certain members of our cabinet were obtained by intimidation and under duress, (2) we never authorized the cabinet to sign the document, and (3) the meeting of the cabinet at which it was signed was illegal, having been convened neither at our call nor that of the prime minister, but by the Japanese themselves.

"We denounce that document as invalid in law and we declare that under no circumstances will we voluntarily consent to the ratification of any instrument which impairs the independence of the Korean Empire.

"Furthermore, in view of the violent manner in which the so-called treaty of last November was carried through we deem it necessary and proper to declare to you that if at any future time any power shall claim to have obtained our consent to such an agreement, that claim will either be wholly false or will be based upon acts wrong from us by force of arms or under threats of personal violence.

"In view of the fact that we are at the present time de jure an independent power, we earnestly request you to reassert your right to establish a legation at Seoul, or at least to prepare for such establishment by helping us to bring the matter before The Hague tribunal, in order that the validity of our claim to independence may be legally established.

"Any further information that may be desired will be given by our fully accredited envoy at whose hand we are transmitting this document.

"In witness whereof we here affix the imperial seal.

"Done in Seoul this 22d day of June, A. D. 1906, and of the dynasty the five hundred and fifteenth year."

Together with these letters he gave me another constituting me his fully accredited envoy to each of these Governments:

"By virtue of the power vested in us as the Emperor of Korea and in accordance with the right granted us in the treaties between Korea and the various friendly powers, we hereby constitute and appoint Homer B. Hulbert as our special envoy to the Governments of the United States, Great Britain, France, Germany, Russia, Austria-Hungary, Italy, Belgium, and China; and we hereby delegate to him full authority to represent our interests and those of the Korean Empire at the seat of each of those Governments.

"In connection with this we have instructed him to deliver to each of these Governments a document relative to the present political situation in Korea and to take such steps as may lead to the peaceful settlement of the difficulties which have arisen between our Government and that of Japan.

"We hereby give him special authority to secure the adjustment of the matter before the peace conference at The Hague.

"In witness whereof we here affix the imperial seal.

"Done in Seoul this 22d day of June, A. D. 1906, and of the dynasty the five hundred and fifteenth year."

When I left Korea with this in the summer of 1907 the Japanese again suspected, and the very day I landed in America they forcibly deposed the Emperor, and thus automatically canceled my credentials. But the point I make is this: The Emperor to his last hour protested against the enslavement of his people, even at the risk of his life.

Two years later, in 1909, the Emperor, fearing that the Japanese might learn of the fact that his private fortune was deposited in the Deutsch Asiatic Bank in Shanghai and would compel him to turn it over to them, sent out to me from his palace, under the skirts of a scrubwoman, the receipts for that investment together with his autograph letter constituting me his financial agent to collect that money and use it according to his directions. I succeeded in getting those papers out of Korea on the person of an American woman, who took them to China for me. I was at the time in some peril, for the Japanese papers charged me with being at the heart of the conspiracy to assassinate Prince Ito, and I was warned to fly the country. I had been intending to go to China to attend to the Emperor's affairs, but when this outrageous charge was made I determined to stay right in Korea lest my departure might give color to the charge. The Japanese Government put a swarm of plain-clothes men about me to guard me against assassination, for, though I may not escape the charge of egotism in saying it, they knew that the Korean people would actively resent any attack upon me, and they did not want any disturbance. At the same time two American secret-service men put themselves at my service and accompanied me not only to China but all the way across Siberia as far as Warsaw. In Shanghai I learned that the German bank had turned over to the Japanese the entire private fortune of the Emperor. It was a pitiful sum, after all, only about \$100,000, but the Japanese must have it. They seemingly connived with the Germans and managed to get the money transferred. I have preserved the papers all these years as a sacred trust, and if Korea ever gets out of the hands of Japan, as God grant she may, the Japanese will have to give an accounting of that theft as well as the rest. Of course, I shall be charged with having tried to get the Emperor's fortune into my own hands for selfish reasons. I am willing to abide the charge.

The confidence which the Emperor reposed in me and the years that I have spent in fighting for the rights of the Korean people will be sufficient in their eyes to exonerate me from such a calumny. It will not be for the first time. When I bought thousands of Koreans' farms at one-half a cent apiece simply to put my name down upon their boundary posts, so that the Japanese might not be able to club the farmer from his home and take the land for nothing, one of the most assiduous of Japan's apologists in this country circulated the report that I had sold those farms at good prices and had made a fortune. I have given all those farms back to the original owners, and have never seen even my half cent back. I say that I have given them all back,

but that is a slight error. I hear from the good American in Korea through whom I am doing it that it is almost completed. He has only 1 peck of land left.

The people of America have read in all the papers the indescribable atrocities of which Japan has been guilty during the last few months. And now Japan, whipped to it by public opinion, says that the military party has gone too far and reforms will be instituted. The apologists of Japan have been saying that the civil party will change all that. Well, I ask the American public to note that the following things were common occurrences in Korea when the civil party was dominant there and Prince Ito was the governor general:

(1) Because three Koreans, maddened by the fact that all their land had been taken by the Japanese for railroad purposes, without a cent of immediate or prospective payment, went out one night and tore up a few feet of construction track they were taken out and crucified and then shot to pieces. There are hundreds of photographs of this pleasing event.

(2) When a telegraph line was cut near a country village by parties unknown, but presumably by Korean guerrilla fighters, the Japanese came and burned down 10 villages and left the people to freeze and starve during the winter. One old man, over 80 years old, on his knees begged them to spare his home. The Japanese ran him through with their swords and threw his body into the burning rafters of his own home.

(3) Within a stone's throw of my own house in Seoul, Korea, a Korean lived who refused to sell his house to the Japanese for one-quarter its value. One night six Japanese, stripped stark naked, broke into the house and shocked the inmates so that they deserted the house and fled to the country, and the Japanese got the place for nothing.

(4) A Korean merchant came to Seoul to buy goods, and placed his money in the hands of a Japanese broker to change for him, but when he came for his money the broker said he had already paid it, although the Korean still held the receipt. Only by the intervention of an American was the Korean able to get his money. The Japanese authorities utterly refused to listen to his claim. There was no place of any kind provided by the Japanese where a Korean could come and ask for justice.

(5) A Presbyterian hospital had 40 cases in one month of Koreans who came begging to be cured of the morphine habit which the Japanese had taught them. And although Americans caught Japanese red-handed in the act of selling morphine to Koreans and notified the authorities, not a thing was done to stop the damnable traffic.

(6) The Japanese introduced thousands of prostitutes into Korea and offered opportunities for vice such as the Koreans had never dreamed of. And the spread of venereal diseases was greatly increased.

(7) A woman came to me in great distress, saying that the Japanese had demanded her house for \$25, and that if she did not sell it they would dig under the corner posts and let the roof fall on her. She begged me to buy her house for 5 cents and put my card on the door, which I did, and by doing so saved her house.

(8) A Korean business man leased his store to Japanese, who after the first month refused to pay any more and refused to leave. He tried every method to get at the Japanese authorities, but without success. He came to me, and after several weeks we secured the ousting of the Japanese.

(9) A Japanese asked a country gentleman to give him lodging overnight, which the Korean did. In the evening the Japanese drew out a box of pills and said they were good for the digestion. He offered one to his host who took it. In the morning the Japanese before leaving demanded \$15 as payment for the pill, and as the Korean refused to pay, he went out to the stable, unhitched the Korean's horse, and drove it away to market. If the Korean had laid a finger on the Japanese he would have been severely handled if not killed.

(10) One night two Koreans who had been cruelly tortured by the Japanese police came to my house and talked with me. I published the facts in my magazine, the Korea Review. Prince Ito sent to me, demanding the names of the men who had come to me. I refused to give them, for it would have meant severe punishment for them.

These are just a few of the many cases that came to me for help under a civil régime, at a time when Korea was governed by a man who claimed to be humane and who was probably the most decent Japanese that could be found. I sent personally to Prince Ito and told him that if he would make some office or tribunal where I could bring Koreans who had been outraged and abused by the Japanese, simply to get a hearing, I would immediately cease from any public comment on Japan's actions in Korea. But he contemptuously refused. In fact he never even replied. He had no intention of giving the Koreans a "square deal."

For this and a score of other reasons I affirm that Japan's proposal to effect reforms in Korea by establishing there a mixed civil and military régime is ludicrous. The very fact that they include the military shows that they propose to govern Korea by intimidation, whatever be the name under which it is carried out.

There is no right solution of the question except the restoration of the complete independence of the Korean people. They have always been so abused and insulted by the Japanese that the continuation of any Japanese control is simply unbearable. The Koreans will not consent to it, and either they must be made free or else the world must look on and see the rapid extinction of a nation of 18,000,000 people who are intrinsically far more "civilized" than are the Japanese themselves.

Japan, as at present conducted, is an anachronism. There is no room for brutal autocracy in this world from now on to the crack of doom. The sooner the Japanese people come to realize this and determine to take things in hand and oust the bureaucrats the better for them and for the whole world. The question will never be settled without a complete revolution in Japan. The sooner it comes the better.

[Translation.]

By virtue of the power vested in us as the Emperor of Korea, and in accordance with the right granted us in the treaties between Korea and the various friendly powers, we hereby constitute and appoint Homer B. Hulbert as our special envoy to the Governments of the United States, Great Britain, France, Germany, Russia, Austria-Hungary, Italy, Belgium, and China; and we hereby delegate to him full authority to represent our interests and those of the Korean Empire at the seat of each of these Governments.

In consonance with this we have instructed him to deliver to each of these Governments a document relative to the present political situation in Korea and to take such steps as may lead to the peaceful settle-

ment of the difficulties which have arisen between our Government and that of Japan.

We hereby give him special authority to secure the adjustment of the matter before the peace conference at The Hague.

In witness whereof we here affix the imperial seal.

Done in Seoul this 22d day of June, A. D. 1906, and of the dynasty the five hundred and fifteenth year.

[Translation.]

To His Majesty the King of England, greeting:

For many years the Government of Korea has been in friendly treaty relations with the Government of Great Britain; and has often received evidences of the good will of that power. In this time of our difficulty we feel sure that all people who desire to see justice done will sympathize with us. In order to show that great injustice has been done we hereby declare that the so-called treaty of November 18, 1905, was fraudulent, because (1) the signatures of certain members of our cabinet were obtained by intimidation and under duress, (2) we never authorized the cabinet to sign the document, and (3) the meeting of the cabinet at which it was signed was illegal, having been convened neither at our call nor that of the prime minister, but by the Japanese themselves.

We denounce that document as invalid in law, and we declare that under no circumstances will we voluntarily consent to the ratification of any instrument which impairs the independence of the Korean Empire.

Furthermore, in view of the violent manner in which the so-called treaty of last November was carried through, we deem it necessary and proper to declare to you that if at any future time any power shall claim to have obtained our consent to such an agreement that claim will either be wholly false or will be based upon acts wrong from us by force of arms or under threats of personal violence.

In view of the fact that we are at the present time de jure an independent power and nation, we request you to reassert your right to establish a legation at Seoul, or at least to prepare for such establishment by helping us to bring the matter before The Hague tribunal, in order that our legal and just claim to independence may be legally established.

Any further information that may be desired will be given by our fully accredited envoy, at whose hand we are transmitting this document.

In witness whereof we here affix the imperial seal.

Done in Seoul this 22d day of June, A. D. 1906, and of the dynasty the five hundred and fifteenth year.

[Translation.]

I desire to draw from the Deutsch Asiatic Bank of Shanghai, China, all the funds that I have there. For this purpose I herewith turn over to you all the papers connected with those funds, including a list of the stocks and bonds and the receipts of the bank therefor. You are hereby authorized to go to the Deutsch Asiatic Bank, examine the certificates of stock or the bonds held for me by that bank, estimate the amount of interest that has accrued on them, and to receive all in my name for transmission to me. This my writing and my seal witness that you have full rights as my agent in respect of this business.

To the American citizen H. B. Hulbert.

Written in the third year of Loong-he, the tenth moon, and the twentieth day.

[Imperial private seal.]

Oct. 20, 1909.

ORIGINAL RECEIPT.

SEOUL, 2 December, 1903.

Received from the private treasury of His Majesty the Emperor of Korea the following:

23 (twenty-three) bars of gold, said to weigh 575 ounces, and Japanese bank notes said to be of the value of 150,000 yen (one hundred and fifty thousand).

The total value to be verified in Shanghai after the sale of the above notes and gold bars, and a detailed receipt to be given to the imperial treasury.

The total amount to be invested in German securities and to be held at the disposal of His Majesty the Emperor of Korea.

J. BUSES.

Manager Deutsch-Asiatische Bank.

CARS FOR COAL SHIPMENT.

Mr. POMERENE. Mr. President, on Friday last, I believe, the Director General of Railroads sent to the Senate a report on a resolution which had theretofore been adopted by the Senate, namely, Senate resolution 152, giving certain information concerning the supply of coal cars. This resolution has attracted a little attention throughout the country, and I think it is only fair to the coal operators that their position be likewise presented to the Senate.

Throughout Ohio and West Virginia there has been a very great shortage of the supply of coal cars, which it seems to me is recognized by the coal trade generally, even if it is not recognized by the Director General of Railroads. I have before me here several telegrams, and I think they will be of interest to the Senate. They came to-day. One of them is from C. E. Maurer, president of the Glens Run Coal Co., of Cleveland, Ohio, in which he says:

CLEVELAND, OHIO, August 16, 1919.

HON. ATLEE POMERENE,

United States Senate, Washington, D. C.:

Referring to Hines testimony stating no car shortage, we lost 22 per cent time last half July and 27 per cent first half of August account car shortage. This is general at all mines on Pennsylvania lines. Understand Baltimore & Ohio worse. Is nearly time the Director General was called by somebody.

C. E. MAURER,

President the Glens Run Coal Co.

Another telegram, from Mr. Thomas K. Maher, treasurer of another coal company in Cleveland—the Purselove-Maher Coal Co.—says:

CLEVELAND, OHIO, August 16, 1919.

HON. ATLEE POMERENE,
United States Senate, Washington, D. C.:

Referring to Hines testimony before Interstate Commerce Commission yesterday, Hines knows that no cars were distributed at all on the Chesapeake & Ohio Railroad for seven days in succession. Hines knows the Wheeling & Lake Erie have distributed no cars in the No. 8 district this week. Hines knows that Baltimore & Ohio shortage last week amounted to about 50 per cent. His car-distribution department acknowledges these shortages.

THOS. K. MAHER, Treasurer.

I may say that in a conference with one of the staff of Mr. Hines I have been advised that this is in part due to the fact that there has been a strike in the repair shops.

Another telegram, from W. R. Nethken, general manager of the Deep Run Big Vein Coal Co., says:

CUMBERLAND, MD., August 16, 1919.

HON. ATLEE POMERENE,
United States Senate, Washington, D. C.:

Please ask Walker D. Hines if he is not ashamed of himself when he faces any Member of the United States Senate and says there has not been and is not now serious car shortage in the bituminous coal fields. His statement to you is a gross misrepresentation of facts or proves his absolute ignorance of the true situation.

W. R. NETHKEN,
General Manager Deep Run Big Vein Coal Co.

Another telegram, from Chattanooga, Tenn., says:

CHATTANOOGA, TENN., August 16, 1919.

Senator ATLEE POMERENE,
United States Senate, Washington, D. C.:

Refer statement Hines, Senate, car shortage not responsible coal shortage. Our mines, Cumberland Valley Division Louisville & Nashville Railroad, southeastern Kentucky, with 14 available days August, have run 6 days, lost 8 days account no cars. If this condition general would make total loss production about 12,000,000 tons.

FEDERAL COAL.

Another correspondent, who is interested in the Cambria Coal Co., which has mines in West Virginia, sent me this morning two photographs showing the long lines of empty, unpainted, unlettered new cars which have been standing on the track at Forrest, Ohio, for two months. This correspondent says:

I am inclosing a photograph of 100 cars standing on the siding of Forrest, Ohio, for more than two months, unlettered and unnumbered. There are standing on Long siding, Big Four Railroad, Sandusky, Ohio, 47 of the same kind of cars, received on May 30.

There are on Ransom siding, Big Four Railroad, 56 of the same kind of cars, which were received June 6.

We are having more photographs taken, which will show you hundreds of these cars standing on sidings for several months, unused, unlettered, and unnumbered, while the prevailing car shortage exists.

And this morning one of the leading manufacturers of Columbus, Ohio, entered my office and stated to me that there is at least a mile of empty, unlettered, unpainted coal cars on the sidings in Columbus, Ohio.

Mr. President, I think it is only fair to say that perhaps in the early part of this year the coal difficulty was not due so much to car shortage as it was, possibly, to the high price of coal, which made many consumers hesitate about buying, or at least delaying to buy, hoping for better prices. I think that situation has somewhat changed; but the public is little concerned as to whether it is due to the high price of coal or to shortage of cars. It is interested in the coal supply; and while these cars are being manufactured and distributed by the Government through the medium of the Director General of Railroads, I hope there will not be cause for further complaint in this behalf. The report of Friday, made by the Director General of Railroads, indicates that a great number of cars are being supplied, I believe at the rate of about 300 per day. It is unfortunate that these cars were not distributed many moons ago.

The VICE PRESIDENT. The morning business is closed. The calendar, under Rule VIII, is in order.

THE CALENDAR.

The first business on the calendar was the resolution (S. Res. 76) defining a peace treaty which shall assure to the people of the United States the attainment of the ends for which they entered the war, and declaring the policy of our Government to meet fully obligations to ourselves and to the world.

Mr. ASHURST. Let that go over.

The VICE PRESIDENT. The resolution will be passed over.

The bill (S. 529) for the relief of the heirs of Adam and Noah Brown was announced as next in order.

Mr. SMOOT. I ask that that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 600) for the relief of the heirs of Mrs. Susan A. Nicholas was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

SIMON M. PRESTON.

The bill (S. 1289) for the relief of Simon M. Preston was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to pay to Simon M. Preston, of Seattle, Wash., \$5,838.36, being the amount of the defalcation of D. C. Kearns, a deputy collector under the said Simon M. Preston, who was collector of internal revenue for the first election district of Mississippi from the 1st day of June, 1869, to the 22d day of May, 1873, which sum was repaid to the United States Government by Preston, and its collection by him from D. C. Kearns having been hindered and prevented by the pardon of D. C. Kearns by the President of the United States and the remission of the fine equivalent to that sum.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ESTATE OF MOSES M. BANE.

The bill (S. 1479) for the relief of the estate of Moses M. Bane was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

STEAM LIGHTER "CORNELIA."

The bill (S. 1004) for the relief of the owner of the steam lighter *Cornelia* was announced as next in order, and was read, as follows:

Be it enacted, etc., That the claim of the owner of the steam lighter *Cornelia* rising out of a collision between said steam lighter and the United States destroyer *Bell* in Broad Sound, Boston Harbor, Mass., on the 9th day of August, 1918, for and on account of the losses suffered in said collision by the owner of said steam lighter *Cornelia* by reason of damages and detention of or the loss of said steam lighter, her boats, engines, boilers, tackle, apparel, furniture, and supplies, may be submitted to the United States court for the district of Massachusetts, under and in compliance with the rules of said court sitting as a court of admiralty; and that the said court shall have jurisdiction to hear and determine the whole controversy and to enter a judgment or decree for the amount of the legal damages sustained by reason of said collision, if any shall be found to be due either for or against the United States upon the same principle and measure of liability with costs as in like cases in admiralty between private parties with the same rights of appeal.

SEC. 2. That should damages be found to be due from the United States of America to the owner of said steam lighter *Cornelia* the amount of the final decree or decrees therefor shall be paid out of any money in the United States Treasury not otherwise appropriated: *Provided*, That such suit shall be brought and commenced within four months after the passage of this act.

SEC. 3. That the mode of service of process shall conform to the provisions of the act of March 3, 1887, entitled "An act to provide for the bringing of suits against the United States."

Mr. KING. Mr. President, there are a number of bills of that character. Some objection was made the other day, and I was about to ask the chairman of the committee whether the objections had resulted in any compromise or any adjustment of the plan of meeting these obligations. If not, I object to the further consideration of this bill.

Mr. WALSH of Massachusetts. Mr. President, I was unable to hear the comment of the Senator from Utah.

Mr. KING. I was just stating that the other day this bill, as I recall, and several others of like character, were called up, and objection was made by several Senators—I do not just recall whom—and some suggestion was made as to some general bill by which these claims should be met. I was asking the committee whether or not some composition had been made of those differences? If not, I shall object to the consideration of the bill.

Mr. WALSH of Massachusetts. Mr. President, does the Senator understand that they are simply permissive bills?

Mr. KING. I understand that they are more than permissive bills. It seems to me, as I recall the measures, that an obligation would be created which the Government would be compelled, morally, at least, to meet. They are more than permissive. They are bills for the purpose of fixing liabilities; and when the liability is fixed, of course, the obligation would rest upon the legislative branch of Congress to make an appropriation to cover the liability.

Mr. WALSH of Massachusetts. I understand that they are simply bills that permit these petitioners to have a day in court; and I can not understand any serious objection being made to an aggrieved claimant having a hearing and a day in court in order to have adjudicated an alleged claim of damages against the Government.

Mr. SPENCER. Mr. President, will the Senator from Utah permit me to interrupt him?

Mr. KING. I yield to the Senator.

Mr. SPENCER. May I say to the Senator that the purpose of this bill, as found by the committee, was merely to authorize the presentation of the claim to the Court of Claims. Precisely the same bill was passed by the Senate in the Sixty-fifth Congress.

It does not recognize any liability on the part of the Government, but it does open the way for those who think they have a claim to present it to the Court of Claims.

Mr. SMOOT. Mr. President, Senate bill 1670, a bill introduced by the Senator from Virginia [Mr. SWANSON] for the relief of the Arundel Sand & Gravel Co., was objected to the last time the calendar was up for consideration, and it was suggested at that time that the form of that bill be incorporated in the other bills for the relief of the owners of the different steam lighters. I see that no proposition of that kind is presented here to-day; and I think we ought to have an agreement as to the form in which the bills shall pass before we ask for their disposal. On that account, I ask that they go over to-day.

Mr. WALSH of Massachusetts. Mr. President, may I ask the Senator from Missouri, who has charge of these bills, whether or not similar bills have been enacted into law by previous Congresses?

Mr. SPENCER. My information is that they have been. The committee, in taking up the consideration of this bill, when they found, first, that the Navy Department had recommended the bill favorably for consideration, and that the only purpose of the bill was to enable the claimant to present his claim to the Court of Claims, and that it had passed the last Senate, had no objection to recommending the bill unanimously.

Mr. SMOOT. Mr. President, I believe that is true as to this bill passing at the last session of Congress; but I will say to the Senator from Massachusetts that claims such as are enumerated in these different bills were referred to the Court of Claims under the Tucker Act in past years, as I remember, although none of them that I can call to mind now have ever passed both Houses of Congress and become laws. This, I think the Senator from Missouri will admit, is a new policy for settling such claims as these.

Mr. SPENCER. Such was not my information; but I may say to the Senator from Utah that the gist of the matter is in the single sentence from the Secretary of the Navy in which he states that—

The department is of the opinion that the owner of the lighter *Cornelia* is justly entitled to have his claim adjudicated by a court of competent jurisdiction, and I have therefore the honor to recommend to your committee favorable action on said bill.

Mr. WALSH of Massachusetts. May I suggest, in view of the fact that there is a unanimous committee report here, and in view of the fact that there are people trying to recover damages for injuries sustained, that either their bills should be referred back to the committee and a general bill reported or they be taken up and disposed of in these forms; otherwise there is no remedy. It seems to me, in view of the fact that there is absolutely no division in the committee, whose members are as careful of the public funds as any other Senators, that we ought to dispose of these bills, which in themselves are very trivial and of very little consequence, but are for the relief of people who claim to have grievances and damage suits and a right to be heard and have a day in court. They ought not to be put off from week to week and from month to month without having a chance to have their damages settled if they have sustained damages.

Mr. SMOOT. I am perfectly willing that every claim against the Government of the United States should have its day in court, but if we are going to begin to legislate in the case of every little accident that may happen to a lighter or a steamer of any kind we will have very little time left for other business.

I wish to say to the Senator from Massachusetts that I will be perfectly willing to pass a general law authorizing claims of this kind to be settled by the Navy Department, or some department of the Government, and let them be settled in that way rather than have bills of this sort coming before Congress in untold number.

Mr. WALSH of Massachusetts. I am not familiar with the procedure. May I ask the Senator from Missouri if it is in order to move to recommit the bill to the committee, that it may consider whether it shall report a general bill or not?

Mr. SMOOT. I will say the committee can take cognizance of what has been said here to-day, and if they desire to report out such a bill I have no doubt there will be favorable action taken upon it.

Mr. WALSH of Massachusetts. The bill has been on the calendar for a long time.

Mr. SMOOT. If the chairman of the committee feels positive that these bills are just, and that they should be acted upon by Congress, and will take it for granted that they are not to be pointed to as precedents in the future, I am not going to object to the consideration of the bill.

Mr. SPENCER. Mr. President, every one of these bills has already been favorably passed by the Senate in the last Congress. They are not new bills.

Mr. SMOOT. Of course, that only shows that the House took the same position that has been taken in the past.

Mr. SPENCER. No; the House did not vote against them; they were not reached by the House on their calendar. Every one of these bills is fair, so far as the committee knows.

Mr. SMOOT. I do not think they were reported out in the House.

Mr. SPENCER. I do not know.

The VICE PRESIDENT. Does anyone object to the consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STEAMSHIP "MATOA."

The bill (S. 1005) for the relief of the owner of the steamship *Matoa* was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the claim of the owner of the steamship *Matoa* arising out of a collision between said steamship and the U. S. tug *Lucille Ross* off Lambert Point, Va., on the 17th day of January, 1918, for and on account of the losses alleged to have been suffered in said collision by the owner of said steamship *Matoa* by reason of damages to and detention of said steamship may be submitted to the United States Court for the eastern district of Virginia, under and in compliance with the rules of said court sitting as a court of admiralty; and that the said court shall have jurisdiction to hear and determine the whole controversy and to enter a judgment or decree for the amount of the legal damages sustained by reason of said collision, if any shall be found to be due, either for or against the United States, upon the same principle and measure of liability with costs as in like cases in admiralty between private parties with the same rights of appeal.

SEC. 2. That should damages be found to be due from the United States to the owner of said steamship *Matoa*, the amount of the final decree or decrees therefor shall be paid out of any money in the United States Treasury not otherwise appropriated: *Provided*, That such suit shall be brought and commenced within four months after the passage of this act.

SEC. 3. That the mode of service of process shall conform to the provisions of the act of March 3, 1887, entitled "An act to provide for the bringing of suits against the United States."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SCHOONER "HORATIO G. FOSS."

The bill (S. 1006) for the relief of the owners of the schooner *Horatio G. Foss* was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the claim of the owners of the schooner *Horatio G. Foss*, arising out of a collision between said schooner and the U. S. collier *Jupiter*, off Winter Quarter Light Vessel on the 18th day of May, 1918, for and on account of the losses alleged to have been suffered in said collision by the owners of said schooner *Horatio G. Foss* by reason of damages to and detention of said schooner, may be submitted to the United States court for the district of Massachusetts under and in compliance with the rules of said court sitting as a court of admiralty; and that the said court shall have jurisdiction to hear and determine the whole controversy and to enter a judgment or decree for the amount of the legal damages sustained by reason of said collision, if any shall be found to be due either for or against the United States, upon the same principle and measure of liability, with costs, as in like cases in admiralty between private parties, with the same rights of appeal.

SEC. 2. That should damages be found to be due from the United States to the owners of said schooner *Horatio G. Foss*, the amount of the final decree or decrees therefor shall be paid out of any money in the United States Treasury not otherwise appropriated: *Provided*, That such suit shall be brought and commenced within four months after the passage of this act.

SEC. 3. That the mode of service of process shall conform to the provisions of the act of March 3, 1887, entitled "An act to provide for the bringing of suits against the United States."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SCHOONER "HENRY O. BARRETT."

The bill (S. 1222) for the relief of the owners of the schooner *Henry O. Barrett* was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the claim of the owners of the schooner *Henry O. Barrett* arising out of a collision between said schooner and the United States monitor *Ozark*, off Five Fathom Bank Lightship, on the 19th day of April, 1917, for and on account of the losses alleged to have been suffered in said collision by the owners of said schooner *Henry O. Barrett* by reason of damages to and detention of said schooner, may be submitted to the United States court for the district of Massachusetts, under and in compliance with the rules of said court sitting as a court of admiralty; and that the said court shall have jurisdiction to hear and determine the whole controversy and to enter a judgment or decree for the amount of the legal damages sustained by reason of said collision, if any shall be found to be due either for or against the United States, upon the same principle and measure of liability, with costs, as in like cases in admiralty between private parties, with the same rights of appeal.

SEC. 2. That should damages be found to be due from the United States to the owners of said schooner *Henry O. Barrett*, the amount of the final decree or decrees therefor shall be paid out of any money in the United States Treasury not otherwise appropriated: *Provided*, That such suit shall be brought and commenced within four months after the passage of this act.

SEC. 3. That the mode of service of process shall conform to the provisions of the act of March 3, 1887, entitled "An act to provide for the bringing of suits against the United States."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STEAMER "MAYFLOWER."

The bill (S. 1223) for the relief of the owner of the steamer *Mayflower* and for the relief of passengers on board said steamer was announced as next in order.

Mr. KING. Reserving the right to object, I should like to ask the Senator from Massachusetts what is the claim with respect to passengers alleged to have sustained injuries?

Mr. WALSH of Massachusetts. I am not familiar with the case and I can not answer as to the facts. Probably the Senator in charge of the bill can do so. I might say that these bills came to me from my predecessor in the last Congress, who said that they had passed the Senate. I am not familiar with this particular bill. The Senator from Missouri [Mr. SPENCER] can no doubt state the facts.

Mr. KING. I shall ask that the bill go over.

Mr. SMOOT. Let it go over.

The VICE PRESIDENT. The bill goes over on objection.

ARUNDEL SAND & GRAVEL CO.

The bill (S. 1670) for the relief of the Arundel Sand & Gravel Co. was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the claim of the Arundel Sand & Gravel Co., a corporation organized and existing under the laws of the State of Delaware and doing business in the city of Norfolk, Va., owner of the steam tug *A. G. Bigelow*, against the United States for damages alleged to have been caused by collision between the said tug and the U. S. S. *Susquehanna* in Norfolk Harbor on the 26th day of November, 1917, may be sued for by the said Arundel Sand & Gravel Co. in the district court of the United States for the eastern district of Virginia, sitting as a court of admiralty and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the Arundel Sand & Gravel Co., or against the Arundel Sand & Gravel Co. in favor of the United States upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EMMA H. RIDLEY.

The bill (S. 174) for the relief of Emma H. Ridley was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will go over.

UNITED WAR-WORK CAMPAIGN.

The joint resolution (S. J. Res. 42) authorizing national banks to subscribe to the united war-work campaign was announced as next in order.

Mr. KING. I ask that the joint resolution may be read.

The Secretary read the joint resolution.

The VICE PRESIDENT. The Chair wishes to inquire whether there is a united war-work campaign running now to which the banks are subscribing?

Mr. FLETCHER. I do not think there is. It is my understanding that the national banks did subscribe, and that this is really to cover a situation which has actually passed.

Mr. KING. It is an ex post facto measure?

Mr. FLETCHER. I think it is rather legalizing what has already been done in an emergency.

Mr. SMOOT. I do not think the joint resolution will legalize anything.

The VICE PRESIDENT. It would not do anything of the kind.

Mr. SMOOT. It would never touch it in the world.

Mr. KING. I object to the consideration of the joint resolution.

The VICE PRESIDENT. The joint resolution goes over.

The bill (S. 631) repealing certain provisions contained in the urgent deficiency act approved December 22, 1911, was announced as next in order.

Mr. SMOOT. I ask that the bill may go over.

The VICE PRESIDENT. The bill will go over.

WATSON B. DICKERMAN.

The bill (S. 1722) for the relief of Watson B. Dickerman, administrator of the estate of Charles Backman, deceased, was announced as next in order.

Mr. SMOOT. Let the bill go over.

Mr. WADSWORTH. I regret that the Senator from Utah makes an objection to the bill.

Mr. SMOOT. It seems to me that if we are going into this subject at all, it would be better to have a general law. To-day there is a law allowing so much leakage upon each barrel of spirits in a bonded warehouse. The general rule has been, and I think the law itself has demonstrated, that there is enough allowed for leakage, and I can not see why we should take up such a claim. I suppose there are many other claims of the same character.

Mr. WADSWORTH. I do not know how many others there are. I know that during my service on the Claims Committee I have seen none other than this one. This claimant was denied the right of computing the leakage. The Court of Claims has stated that there is due him \$5,335. The Secretary of the Treasury—

Mr. SMOOT. He was allowed the regular leakage according to law, was he not?

Mr. WADSWORTH. He was not.

Mr. SMOOT. For what reason?

Mr. WADSWORTH. He was denied it and paid his taxes under protest in 1869—a good many years ago, I admit.

Mr. SMOOT. That was before the leakage law was passed. Really, I do not know where this bill would lead to. It seems to me that every man who had spirits in a bonded warehouse and had some sort of a claim would have had it settled before this time. I think this is a very dangerous bill.

Mr. WADSWORTH. I think the Senator from Utah misconstrues the period during which this has been the law and the custom. You will notice that the first paragraph of the preamble states:

Whereas from the time bonded warehouses were first established until April 14, 1869, the law has been uniformly construed and administered to allow for loss by leakage on spirits distilled prior to July 20, 1868, while in warehouse.

The findings of the Court of Claims appear in the preamble on page 3:

Whereas, in response to Senate resolution 301, of March 2, 1907, referring the matter to the Court of Claims for the findings of such fact, the Court of Claims on December 14, 1908 (S. Doc. No. 590, 60th Cong., 2d sess.), found that Charles Dickerman in 1869 was required to pay, and did pay, as tax on distilled spirits withdrawn by him from warehouse, without allowance for leakage, the sum of \$45,890.13, being a tax of \$5,335.71 in excess of the tax due on the quantity of spirits so withdrawn by him.

The fact that this man and his estate have been endeavoring to collect from the Government what the Government has owed them all these years should not militate against the passage of this bill. The United States owes this man this money. It has been owing it to him for many, many years. The Treasury Department admits it and the Court of Claims admits it, and yet for one reason or another Congress has never seen fit or been able to concentrate attention upon it sufficiently to pay him the money that is due him.

Mr. SMOOT. I have not read the report in full.

Mr. SPENCER. Permit me to say to the Senator from Utah that a similar bill was not only passed by the Senate at the last session, but was favorably reported by the committee of the House. It merely returns to this man Dickerman the excess of taxes which under a mistake he was required to pay. The department certifies that the payment was an error and that the amount ought to be returned to him. The bill has been before Congress for years and the committee has recommended favorable consideration of the bill.

Mr. SMOOT. I think it has been here since the Sixty-second Congress.

Mr. WADSWORTH. That may have been the fact, but that should not militate against its validity.

Mr. SMOOT. I do not know the details of the bill.

Mr. WADSWORTH. In several of these cases the conduct of the Government is disgraceful. When the Government owes a man money it should pay him. This is one of those cases certified to by all the authorities of the Government that can be approached in getting an opinion.

Mr. BORAH. What effect will it have on the high cost of living to take this money out of the Treasury?

Mr. WADSWORTH. The Senator from Idaho ought to remember that this is a case of distilled spirits.

Mr. BORAH. When did this leakage happen?

Mr. SMOOT. Before the Senator was born. I should like to have the bill go over and I will read the report carefully.

Mr. WADSWORTH. That is the ancient history of this case. I suppose these people will have to go without their money for another half century.

The VICE PRESIDENT. The bill will be passed over.

ALASKA STEAMSHIP CO.

The bill (S. 629) for the relief of the Alaska Steamship Co. was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, in line 7, to strike out the figures \$9,024.27 and insert \$5,974.27, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Alaska Steamship Co., a corporation organized and existing under the laws of the State of Nevada, out of any moneys in the Treasury not otherwise appropriated, the sum of \$5,974.27 in payment of the balance due said company for services rendered at the request of the United States deputy collector of customs at Unalaska, Alaska, and in pursuance of an agreement with him for the transportation and care of 193 survivors of the wreck of the American ship *Columbia*, near Scotch Cap Lighthouse, Alaska, in May, 1909.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 2259) for the relief of Edward S. Farrow was announced as next in order.

Mr. KING. I should like to ask the chairman of the committee, as I have not had a chance to read the report, if he knows what is the reason of this legislation. Is there not any existing law that would permit the promotion if promotion is desired?

Mr. WADSWORTH. I should like to have the bill go over temporarily. The Senator from New Jersey [Mr. FRELINGHUYSEN], who reported it, is absent.

Mr. KING. I ask that it be temporarily laid aside.

The VICE PRESIDENT. The bill will go over.

The bill (S. 1726) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, was announced as next in order.

Mr. KING. Let the bill go over.

The VICE PRESIDENT. It will go over.

The bill (S. 1369) to regulate the height, area, and use of buildings in the District of Columbia, and to create a zoning commission, and for other purposes, was announced as next in order.

Mr. KING. Let the bill go over.

The VICE PRESIDENT. It will go over.

The bill (S. 2496) authorizing the retirement of members of the Army Nurse Corps (female) was announced as next in order.

Mr. KING. Let the bill go over.

The VICE PRESIDENT. It will go over.

ORION MATHEWS.

The bill (S. 608) for the relief of Orion Mathews was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That in the administration of the pension laws and laws conferring rights and privileges upon honorably discharged soldiers, Orion Mathews, late of Battery D, Second Regiment United States Artillery, shall be held and considered to have been honorably discharged as a private from said battery and regiment on the 22d day of March, 1865: *Provided*, That no pension shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES DUFFY.

The bill (S. 609) for the relief of James Duffy was considered as in Committee of the Whole, and it was read as follows:

Be it enacted, etc., That in the administration of the pension laws and the laws conferring rights and privileges upon honorably discharged soldiers, their widows and dependent relatives, James Duffy, late of Company A, Twenty-fourth Regiment Wisconsin Volunteer Infantry, shall be held and considered to have been honorably discharged from the military service of the United States as a member of the above organization on the 6th day of October, 1862: *Provided*, That no pay, pension, bounty, or other emoluments shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HENRY J. DAVIS.

The bill (S. 610) for the relief of Henry J. Davis was announced as next in order.

Mr. KING. Let the bill go over.

The VICE PRESIDENT. The bill will go over.

RETIREMENT OF CIVIL-SERVICE EMPLOYEES.

The bill (S. 1699) for the retirement of employees in the classified civil service, and for other purposes, was announced as next in order.

Mr. STERLING. I ask that the bill may go over. In this connection I wish to withdraw the notice of last Friday that I would call up the bill for consideration to-day. I will state that at the earliest practicable day I shall move the consideration of the bill.

The VICE PRESIDENT. The bill will go over.

HOUSE CONSTRUCTION AND HOME OWNERSHIP.

The bill (S. 168) to create a commission to investigate and report to Congress a plan on the questions involved in the financing of house construction and home ownership and Federal aid therefor was announced as next in order.

Mr. KING. Let the bill go over.

The VICE PRESIDENT. It will go over.

MEMORIAL TO AGRICULTURAL DEPARTMENT EMPLOYEES.

The joint resolution (S. J. Res. 72) authorizing the erection on public grounds in the city of Washington, D. C., of a memorial to employees of the United States Department of Agriculture who died in the war with Germany was announced as next in order.

Mr. KING. Let the joint resolution go over.

The VICE PRESIDENT. It will go over.

AMENDMENT OF FEDERAL RESERVE ACT.

The bill (S. 2472) to amend the act approved December 23, 1913, known as the Federal reserve act, was announced as next in order.

Mr. EDGE. Mr. President, I had intended to bring this bill up for consideration to-day, but on the suggestion of a Senator who is now absent I will delay bringing it up, but give notice that I shall call it up at the first opportunity under Rule VIII.

The VICE PRESIDENT. The bill will go over.

RECREATION ASSOCIATION.

The bill (S. 2224) to incorporate the Recreation Association of America was announced as next in order.

Mr. KING. Let the bill go over.

The VICE PRESIDENT. The bill will go over.

KATIE NORVALL.

The bill (S. 1546) for the relief of Katie Norvall was announced as next in order.

Mr. KING. The Senator from California [Mr. PHELAN] has just stepped out of the Chamber. He is anxious to have this bill passed, and if there is objection to its consideration I ask that it be temporarily laid aside. If there is no objection, let it be considered. If there is any objection to it the Senator from California desires to make an explanation.

Mr. SMOOT. If the Senator from California were here I should like to have him make an explanation because it calls for an appropriation of \$10,000. I ask that the bill may go over.

The VICE PRESIDENT. There is an amendment pending to reduce the amount to \$5,000.

Mr. KING. Let it be temporarily laid aside until the Senator from California comes in.

Mr. SMOOT. I should like to have it go over.

The VICE PRESIDENT. The bill will go over.

JOHN M. FRANCIS.

The bill (S. 176) for the relief of John M. Francis was announced as next in order.

Mr. KING. Let the bill go over.

The VICE PRESIDENT. The bill will go over.

AIRCRAFT FOR EDUCATIONAL INSTITUTIONS.

The bill (S. 2676) to amend section 56 of an act entitled "An act for making further and more effectual provisions for the national defense, and for other purposes," approved June 3, 1916, was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, in line 8, after the word "supply," to insert "solely for educational purposes," so as to make the bill read:

Be it enacted, etc., That section 56 of an act entitled "An act for making further and more effectual provisions for the national defense, and for other purposes," approved June 3, 1916, be amended by adding at the end of section 56 the following:

Provided, That the Secretary of War is authorized, under such regulations as he may prescribe, to supply, solely for educational purposes, aircraft, engines, and aeronautical equipment to any educational institution having a course in aeronautical engineering approved by the Secretary of War.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

KATIE NORVALL.

Mr. PHELAN. Mr. President, I now ask that the Senate return to the bill (S. 1546) for the relief of Katie Norvall, which was passed over during my absence.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay \$10,000 as full compensation to Katie Norvall for the death of her husband, G. Norvall, who was drowned while engaged in the performance of his duties as fireman and engineer, as a result of a collision between the navy yard launch *Highlander* and the ferryboat *Vallejo* near the Mare Island ferry slip, Vallejo, Calif.

Mr. SMOOT. Mr. President, the Senator from California [Mr. PHELAN] tells me that the amount embodied in the bill is not the sum which the committee intended to report and that he desires an amendment to be made striking out "\$10,000" and inserting "\$1,173.12," being the amount of a year's compensation in this case. I have no objection to the bill with that amendment.

The VICE PRESIDENT. There is an amendment to the bill now pending which has been offered by the Senator from Colorado to strike out "\$10,000" and insert "\$5,000." The question is on the amendment.

The amendment was rejected.

The VICE PRESIDENT. The Senator from California now moves an amendment, which will be stated.

The SECRETARY. In line 6, after the words "sum of," it is proposed to strike out "\$10,000," and to insert "\$1,173.12."

Mr. SPENCER. Mr. President, I think the RECORD should show that that amendment was reported by the committee and embodied in their report, though not printed in the bill.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REDUCED RATES FOR CERTAIN MACHINE TOOLS.

The bill (S. 2677) to provide for further educational facilities by authorizing the Secretary of War to sell at reduced rates certain machine tools not in use for Government purposes to trade and technical schools and universities, other recognized educational institutions, and for other purposes, was considered as in Committee of the Whole. The bill had been reported from the Committee on Military Affairs with an amendment, on page 1, line 4, after the word "at," to strike out the numerals "10" and to insert "not less than 20," so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized, under such regulations as he may prescribe, to sell at not less than 20 per cent of their cost to trade and technical schools and universities and other recognized educational institutions such machine tools as are suitable for their use which are now owned by the United States of America and are under the control of the War Department and are not needed for Government purposes. The money realized from the sale may be used by the Secretary of War to defray expenses incident to distribution of the tools and the balance shall be turned into the Treasury of the United States.

The amendment was agreed to.

Mr. SMOOT. Mr. President, I desire to ask the Senator reporting the bill just what the last part of it really means where it states:

The money realized from the sale may be used by the Secretary of War to defray expenses incident to distribution of the tools.

Does that mean that the Secretary shall use a part of this money for paying freight upon the tools shipped to educational institutions?

Mr. WADSWORTH. Undoubtedly under that language some of the money might be used in defraying freight charges. These machine tools have to be taken down from the munition plants, oiled, and put in condition, so that they will not deteriorate. Then they have to be crated and packed, which is quite an undertaking. Some of them are very large, some of them are rather complicated, and they ought to have a good deal of care. It is the assumption that the money which will be received for them will more than cover the cost of taking them down and packing and crating them.

Mr. SMOOT. I think that that is as far as we ought to go; but under the wording in the bill it seems to me that the Secretary could undertake, out of the 20 per cent, to pay the freight charges.

Mr. WADSWORTH. I think he could; and there comes up the question of policy.

Mr. SMOOT. I think it would be very unwise to do that. I think an institution that really wants these machine tools could at least pay 20 per cent of their cost and also pay the freight charges. Before they could be shipped, of course, I know they

would have to be crated and be put in condition so that they would not rust or deteriorate in any way. I think if the Government does that out of the 20 per cent which it receives, that is all that ought to be asked of it.

Mr. WADSWORTH. I do not know that I have authority to speak for the Committee on Military Affairs, but personally I should have no objection to an amendment on page 2, line 3, after the word "expenses," to insert the words "except freight charges."

Mr. SMOOT. It would be perfectly satisfactory to me if that amendment should be agreed to.

Mr. KING. Will the Senator from New York permit an inquiry?

Mr. WADSWORTH. Yes.

Mr. KING. In some instances these tools might be sent by express. Would it not be better to say "costs of transportation," so that it would include all forms of transportation?

Mr. WADSWORTH. Very well. Then I offer the amendment, on page 2, line 3, after the word "expenses," to insert "except costs of transportation."

The VICE PRESIDENT. Without objection, the amendment is agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM SHELBY BARRIGER.

The bill (S. 2095) to authorize the President of the United States to appoint William Shelby Barriger captain of Cavalry was announced as next in order.

Mr. SMOOT. Mr. President, there is no report from the War Department upon this bill. Does the Senator from Missouri [Mr. SPENCER], who reported the bill, know the details in this case?

Mr. SPENCER. Mr. President, the facts in the case of the bill are these: Capt. Barriger was enlisted as a private years ago. He gradually worked his way up until he became a captain. He then retired to civil life, and within a few months afterwards became very anxious to get back again, thinking he had made a mistake in retiring. He was unable to get back, because of his age. Later on he got into the present war, and was made a major. It was, however, a temporary appointment, as all such appointments are. At the close of the war he leaves the service unless this bill is enacted, which enables him to reenter the regular service.

As the bill was originally presented to the committee, it provided that he should have the rank of captain and occupy the same relative position in the lineal list that he would have occupied if he had not retired to civil life. That was changed, and he was put at the end of the list of captains, so as to displace no one.

Mr. KING. Will the Senator from Missouri permit an inquiry?

Mr. SPENCER. Yes.

Mr. KING. How long was he out of the service?

Mr. SPENCER. He was out of the service some years—I can not tell the Senator the exact number. There was a long list of captains whom he would have displaced had he gone back to his regular place.

Mr. KING. I object to the consideration of the bill.

Mr. SPENCER. I think the consideration that largely influenced the committee in its report was the desire to recognize a man who had come up from the enlisted ranks to the position of a commissioned officer, and, therefore, the recommendation contained in the bill was made.

Mr. KING. If the Senator will permit me, I am very glad to see such recognition accorded; but where a man has retired from the service voluntarily after having reached the grade of captain, and has been out of the service for many years, I think it would be a very bad precedent to restore him and give him the standing which this bill proposes to give him.

The VICE PRESIDENT. The bill goes over.

FRANK S. BOWKER.

The bill (S. 696) to carry out the findings of the Court of Claims in the case of Frank S. Bowker was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay \$2,759.80 to Frank S. Bowker, of Phippsburg, Me., as managing owner of the schooner *William H. Davenport* and of the cargo thereof, for the damages caused to the schooner and her cargo of lumber by a collision with the United States light-house steamer *Azalea*, which occurred on the 2d day of October, 1899, as found by the Court of Claims and reported in House Document No. 334 of the Sixty-fifth Congress, first session.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE B. HUGHES.

The bill (S. 2257) for the relief of George B. Hughes was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to George B. Hughes, out of any money in the Treasury not otherwise appropriated, the sum of \$1,000, as compensation for the loss of his right arm while in the performance of his duties as an electrician in the Government Printing Office during the month of January, 1899.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NAVAL STATION, PENSACOLA, FLA.

The bill (S. 562) for the relief of occupants of certain premises within the naval station at Pensacola, Fla., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Naval Affairs with an amendment on page 2, line 5, after the words "sum of," to strike out "\$75,000" and insert "\$30,000," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to investigate the representations of the hardships and losses sustained by the occupants of certain premises within the naval station at Pensacola, Fla., who were required by an order recently issued by the Secretary of the Navy to give up such premises and remove their dwellings, buildings, and other property therefrom in order that room might be made for the aeronautic station, and the said Secretary is further authorized and directed to allow in such of said cases as are meritorious and may in his judgment be deserving of relief, reasonable compensation for losses and injuries sustained by reason of removals necessitated by the department's said order, and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$30,000, or so much thereof as may be necessary, to pay such sums as the Secretary of the Navy may award and allow hereunder.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. FLETCHER. I ask that the report in that case be printed in the RECORD.

There being no objection, the report, submitted by Mr. PAGE from the Committee on Naval Affairs on the 5th instant, was ordered printed in the RECORD, as follows:

The Committee on Naval Affairs, to whom was referred the bill (S. 562) for the relief of occupants of certain premises within the naval station at Pensacola, Fla., have considered the same and recommend that the bill do pass with an amendment.

The amendment is as follows:

On line 3 of page 2 of the bill, strike out "\$75,000," and insert in lieu thereof, "\$30,000."

This measure was considered in the Sixty-fifth Congress, Senate bill 2624, and the following letter from the Secretary of the Navy fully sets forth the facts and is submitted as a part of this report:

NAVY DEPARTMENT,
Washington, June 21, 1918.

MY DEAR SENATOR: Referring to the bill, S. 562, entitled "A bill for the relief of occupants of certain premises within the naval station at Pensacola, Fla.," I have the honor to advise you that, in reply to a similar request of the Senate Committee on Naval Affairs on January 26, 1918, with respect to Senate bill 2624, which is substantially identical with Senate bill 562, I then addressed a letter to the chairman of your committee, of which the inclosed is a carbon copy.

Nothing has occurred since that time to occasion me to modify in any respect the opinion therein expressed, and, with the amendment suggested in the last paragraph of the inclosure, namely, that the appropriation carried by the proposed measure, \$75,000, be reduced to \$30,000, I cheerfully recommend the passage of the proposed legislation.

Sincerely,

JOSEPHUS DANIELS, Secretary.

NAVY DEPARTMENT,
Washington, January 26, 1918.

DEAR SENATOR TILLMAN: Replying to the request of the Senate Committee on Naval Affairs for the opinion of the department respecting Senate bill 2624, for the relief of occupants of certain premises within the naval station at Pensacola, Fla., I desire to say that the purpose and spirit of this bill meet with my approval, and as indicating the reasons which have in part favorably impressed me with the desirability of the proposed legislation may I be permitted to quote from the last annual report of the solicitor of the department, who has given the subject-matter investigation and who on page 10 of said report says:

"As pointed out in my last report, the establishment and extension of the aeronautic station at Pensacola has resulted in apparent hardship to a number of tenants who had been granted permission to reside within the reservation and whose property was removed by order of the department as a necessary incident to the carrying out of the extensive scheme of improvement and enlargement of that station.

"It should be remembered that many years ago, due to the trouble in obtaining lands for the operation of the yard, at that time difficult of access, the department adopted the policy of encouraging mechanics and other workmen to remove to the reservation, offering as an inducement free license to occupy and improve sites within the reservation, and numbers were thus encouraged to make their homes there and expend their means in the erection of houses and other improvements.

"While it is true that such persons occupied these sites under license or permits, revocable at the discretion of the Secretary of the Navy and embodying a provision requiring the licensee in the event of revocation to remove all buildings within a given time, and providing further that in such event no claim should lie against the Government for reimbursement on account of damages sustained by reason thereof, it is nevertheless apparent that a strict and exact requirement of the letter of the bond has in some cases fallen harshly upon those who are least able to sustain reverses, and I refer especially to those tenants who by reason of advancing years, declining health, and indigent circumstances are unable to bear the expenses of removal or of reerection of their houses elsewhere, and to whom the effect of the department's action means the loss of homes without any compensating benefit."

I am of the opinion, however, that the amount of the appropriation carried by the proposed measure, namely, \$75,000, is excessive, and that the sum of \$30,000 should be substituted by suitable amendment, as being in my judgment entirely adequate for all the purposes contemplated by the bill.

Very respectfully,

JOSEPHUS DANIELS,
Secretary.

HON. BENJAMIN R. TILLMAN,
Chairman Committee on Naval Affairs, United States Senate.

BILL PASSED OVER.

The bill (S. 1447) to correct the naval record of Fred C. Konrad was announced as next in order.

Mr. KING. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

TUBERCULOSIS DIVISION, UNITED STATES PUBLIC HEALTH SERVICE.

The bill (S. 1660) to provide a division of tuberculosis in, and an advisory council for, the United States Public Health Service, and for other purposes, was announced as next in order.

Mr. KING. I reserve the right to object to that bill.

Mr. RANSDELL. Mr. President, I wish to make a very brief explanation of the bill. It is to create a division of tuberculosis in the United States Public Health Service, and I can better explain it by reading briefly from the report of the Surgeon General of the Public Health Service, Dr. Rupert Blue, dated January 18, 1919. I will not attempt to read it all. He says:

The object of this section—

Referring to section 1 of the bill—

is to provide a special administrative division of the United States Public Health Service, the duty of which shall be to study tuberculosis, its causes and prevention, and demonstrate methods for its suppression. In connection with the necessity for establishing such a division, the following is submitted:

Tuberculosis as a cause of death and disability: Tuberculosis is still the greatest single cause of death in the mortality sheets of this Nation. According to the returns of the United States Census Bureau for 1916, tuberculosis caused 101,396 deaths in the registration area of the United States, which comprises 70 per cent of the total population.

Mr. President, this is a very serious matter. It relates to the most important disease that afflicts the human race, and I should be glad if Senators would give attention to it.

Mr. SMOOT. Mr. President, the Senator does not expect to have the bill passed at this time, does he, without opportunity to give it adequate consideration?

Mr. RANSDELL. I am asking to make a brief explanation of it. The Senator from Utah [Mr. KING] reserved the right to object until after a brief explanation could be made, and that is all I am trying to do. I want the Senate of the United States to understand this bill.

Mr. SMOOT. Mr. President, I am perfectly willing that the bill should come up at a time when there is a full attendance of the Senate and when we will have an opportunity to discuss it, but I wish to say to the Senator that I shall object to its consideration at this time under the five-minute rule.

Mr. RANSDELL. The Senator made the same statement several times during the last session of Congress. Now, I am on the floor and I propose, unless the Senate takes me off my feet, to make a very brief explanation of what this bill is, to let the country see how important it is and who is opposing it and preventing its passage. It ought to have been passed long ago. It is an outrage, sir, that this bill has not been passed. Tuberculosis is the worst disease from which our people suffer, and it is spreading rapidly. We ought to do everything humanly possible to prevent it. I wish to make a short explanation of the bill, and then the Senator can make his objection to its passage, if he so desires. I continue reading from the report of the Surgeon General of the Public Health Service:

The total number of deaths for the calendar year 1916 was 1,001,921. Tuberculosis thus caused 10.1 per cent of all deaths. If the same death rate from tuberculosis prevailed in the area of the United States outside of the registration area, the total number of deaths in the entire United States from this disease was approximately 145,000.

Then he goes on in the next paragraph to show the effect of tuberculosis on military man power, and says:

The effect of tuberculosis as a factor in depreciating national man power is well shown in the figures of the physical examination of the draft. Over 5 per cent of all examined, or more than 1 in 20, were found unfit for military duty because of tuberculosis, while many thousands subsequently developed tuberculosis after induction in the military service and were discharged. If we were to apply the figures of the prevalence of tuberculosis found during the physical examinations incident to the selective-service law to the whole population of the draft age, it may be estimated that there are approximately 1,000,000 cases of tuberculosis in the population of the age groups between 21 and 31.

Think of that, Mr. President—over 1,000,000 cases of tuberculosis in this Nation amongst those between 21 and 31 years of age.

With these figures concerning the prevalence of tuberculosis in this country and its prominence as a cause of death in the national mortality statistics, it is no wonder that tuberculosis has been known as the great white plague.

The Surgeon General then proceeds to show that it is clearly a preventable disease. I will not take the time of the Senate to read that portion of his report, but it is known by scientists that tuberculosis can be prevented. There are Members of this Senate who have had tuberculosis and have been cured of it.

Great efforts are being made all over the country to do something to lessen the ravages of tuberculosis. What this bill proposes is to create a division in the Public Health Service devoted especially to the work.

The Surgeon General continues:

Up to the present time all of the activities of the Public Health Service relating to the investigation of the diseases of man are being conducted under the Division of Scientific Research, while cooperative work in the prevention of the interstate spread of disease and its introduction from foreign countries into the United States is carried on by the Division of Domestic and Interstate Quarantine and Division of Foreign and Insular Quarantine, respectively, in the bureau. While of necessity tuberculosis has been considered in the work of these divisions, it has not been practicable because of insufficient funds and facilities to devote the intensive study to this great problem which it has long merited. Tuberculosis is such an important cause of deaths and disability that if a serious effort is made to reduce to proper limits the needless annual toll of thousands of lives because of its ravages, there is imperative need of a division in the Public Health Service which shall devote all of its time, energy, and funds to the solution of this great problem.

Mr. President, the National Tuberculosis Association, whose members have done a great deal to reduce the effects of this awful plague, have been very active in their support of this measure. They believe that it would have a wonderfully good effect. I agree with them. I have looked into it as carefully as I know how. The Surgeon General thinks it would have a good effect. It is quite a serious proposition here to prevent any longer the passage of this essential legislation which has been already held up for several years by similar objections to those now made. Senators, of course, can take their own responsibility for that.

Before closing I wish to say that the second section of the bill proposes to create an advisory council for consultation with the Surgeon General of the Public Health Service relative to the scientific work to be inaugurated by that service. The effect of this section is to increase the number of members on the board and to broaden the scope of its advisory powers, so that instead of giving to the Surgeon General advice solely in matters relating to the conduct of investigations at the Hygienic Laboratory he may have the benefit of their advice and experience with regard to the entire field of the Public Health Service and investigation. There are now eight members of the advisory board of the Hygienic Laboratory. Section 2 provides for repealing that provision, and in lieu of the eight members of the Hygienic Laboratory creates an advisory council of 10 members who will advise the Surgeon General on all health matters; and then the Surgeon General adds:

In view, therefore, of the increased scope of the functions of the Public Health Service since the passage of the law of 1902, and the need, too, for an advisory council with special relation to the problem of tuberculosis, it becomes eminently desirable to increase the functions of the present advisory board of the Hygienic Laboratory so as to cover all public-health investigations undertaken by the service, and to add to its membership, so that all fields of public-health research may be covered. Section 2 provides for an increase in the membership of the advisory board from 8 to 10, and, moreover, by abolishing ex-officio members, gives a wider field of selection, so that all branches of public-health work may be represented on the board. An advisory board organized on these lines should be of the greatest aid to the National Government.

If there be any real desire on the part of the Senate to take this bill up, discuss it thoroughly, and have a clearer understanding of it, I will not urge that it be taken up now; but it was opposed several times during the whole of the last session. I made effort after effort throughout the entire session to get action on this bill, and notify the Senate now that I am going to do my utmost at this session to get it passed. If it is not passed it will not be my fault. It will be the fault of the men who are opposed to having the very best possible scientific effort

made by the Federal Government to prevent, or at least to lessen, tuberculosis in the United States.

Mr. SMOOT. Mr. President, before objecting to the consideration of this bill, I wish to say simply a word or two.

I have no objection to the Government making appropriations for the purpose of assisting in the investigation of tuberculosis. The Senator from Louisiana is no more interested in the subject than I am. The Senator from Louisiana does not know of its ravages, and what it has done to the people of the United States, more than I know it. But, Mr. President, this bill is not simply for the purpose of getting money to make an investigation of tuberculosis. They will never be satisfied until a new division of the Public Health Service is created.

Mr. RANSDELL. That is what the bill creates. The Senator is not familiar with the bill. It creates a tuberculosis division.

Mr. SMOOT. Oh, well, I said that.

Mr. RANSDELL. That is what we are trying to do now.

Mr. SMOOT. I know it, and that is what I am objecting to.

Mr. RANSDELL. All right. I want you to state the bill correctly, though.

Mr. SMOOT. I do not know what the Senator is talking about. I simply say—

Mr. RANSDELL. You said we would not be satisfied until we created a division of tuberculosis. I am simply telling you that the bill creates a division of tuberculosis. That is what we are trying to do in this bill. It is not something to come in the future. It is something to come now, if we get the bill passed.

The VICE PRESIDENT. Are we going to take up the bill or are we not?

Mr. SMOOT. No; we are not. I am simply calling attention to the fact that if this bill becomes a law we will have created here a new division of the Public Health Service, and I will say now that if it becomes a law we will have a great building rented in the District here, we will have hundreds of employees in the District of Columbia, we will have a whole raft of expenses in every conceivable way that a division of the Public Health Service can bring about.

I am not going to discuss the matter any more at this time, Mr. President, but when the proper time comes I wish to call attention to just what it means. I am perfectly willing, as I say, to make a direct appropriation for the Public Health Service for this work, but let the overhead that is directing the investigation of all other diseases direct this in the same way.

I object to the present consideration of the bill.

The VICE PRESIDENT. The bill will be passed over.

BILLS PASSED OVER.

The bill (H. R. 7478) to amend sections 5200 and 5202 of the Revised Statutes of the United States, as amended by acts of June 22, 1906, and September 24, 1918, was announced as next in order.

Mr. SMOOT. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over. We temporarily passed over Senate bill 2259, for the relief of Edward S. Farrow.

Mr. WADSWORTH. Mr. President, I think it would be wiser to let the Senator from New Jersey [Mr. FRELINGHUYSEN] explain that bill. He knows all the facts in the case and was intrusted by the Military Affairs Committee with the duty of explaining it in the event that the question arose.

The VICE PRESIDENT. The bill will be passed over.

ARMY NURSE CORPS (FEMALE).

Mr. WADSWORTH. Mr. President, I do not know whether I am in order or not, but I want to ask the reconsideration of the objection made by the Senator from Utah to the taking up of Senate bill 2496. It is a bill authorizing the retirement of the Army Nurse Corps (female). I am quite sure that if the Senator understood the situation he would not object to its passage, or certainly not to its consideration; and, if I am in order, I will devote a little time to an explanation of that bill.

The members of the Army Nurse Corps are to all intents and purposes a part of the Military Establishment of the United States. The Army Nurse Corps is provided for in the national-defense act. The women who form that corps are in effect enlisted into the service. They are subject to military regulations. Their duties are closely allied with military work, as the Senator knows, in the military hospitals, taking care of the sick and wounded soldiers. They are subject to military orders. They have to comply with the disciplinary regulations of the War Department and of their commanding officers. As I understand, they are the only branch of what we ought to call the military service—because they are in the military service—that have not the retirement privilege.

This bill provides that after a woman has been a nurse in the Army Nurse Corps for 20 years—and, mind you, the Senator from Utah will agree with me that they do not enforce an eight-hour day in the hospitals; the women have to work any number of hours in the day that is necessary, and the work is exceedingly hard upon occasions—after a woman has served for 20 years in the Army Nurse Corps, under the provisions of this bill she will be eligible to retirement on three-quarters pay, just as an enlisted man is eligible for retirement under certain provisions of the law which give him that privilege. It is to put the members of the Army Nurse Corps on somewhat the same basis as the enlisted men and officers of the Army; and I think, Mr. President, they deserve it.

Mr. KING. Mr. President, will the Senator permit an inquiry?

Mr. WADSWORTH. Yes.

Mr. KING. Is this to be followed or preceded by another measure, which provides for giving promotions and official titles to the nurses, making them captains and majors?

Mr. WADSWORTH. Oh, it bears no relation whatsoever to that.

Mr. KING. Because, as I understand, such a bill as that is either in contemplation or it has been incubated in some of the committees here.

Mr. WADSWORTH. I have heard of such a proposal, but it has no connection whatever with this bill.

Mr. KING. How many regular nurses are there in the Army?

Mr. WADSWORTH. I could not tell the Senator the total number of the Army Nurse Corps. Of course it is much larger to-day than it was before, on account of this war.

Mr. KING. I presume that is so.

Mr. WADSWORTH. But it is limited in the national-defense act to a peace-time strength, and the number of nurses who stay in the service for 20 years is comparatively small. They are the ones who rise to positions of comparative responsibility in the military hospitals. As might be supposed, women do not stay in the Army Nurse Corps as long as men stay in the enlisted branch of the Army. Many marry and establish households of their own; but the ones who serve long and faithfully to-day have nothing to look forward to from the Government after their period of active service is over.

Mr. KING. If the Senator will pardon me, my information was that there was some purpose in view to carry on into the service, so that they would get the benefits of this act, a large number of those who had come into the service quite recently, and that whereas the Army was being demobilized there was no purpose to effectuate any demobilization of the Army Nurse Corps, and there would be hundreds of those in the Army, and if they could not find service in the military branch of the Government they would be loaned out, so to speak, to private hospitals and for private purposes, but still maintain their military status.

Mr. WADSWORTH. They could not maintain their active-service status unless they were on active service with the Army, and the demobilization of the Army Nurse Corps goes on along with the demobilization of the Army; and the Congress is master of that situation, as was illustrated in the first part of July, when it appropriated such a small sum of money for the pay and subsistence of the Army as to compel its demobilization down to the authorized strength of the national-defense act. So I can assure the Senator from Utah that under the policy adopted by Congress the number of Army nurses can not exceed, after September 30 next, the number authorized in the national-defense act, and that of those very, very few will ever serve 20 years. I do not suppose there are over 20 nurses in the Army to-day who have had over 20 years of active service, and I think they are entitled to the Army retirement privilege.

Mr. KING. I shall withdraw my objection, but I still think this legislation is not wise. As an original proposition, I think to have a privileged class getting pensions is a mistake. I should object, if it were an original proposition, to giving retirement to judges, to Army officers, or to any employee of the Government.

Mr. WADSWORTH. Then, of course, the Senator should introduce bills repealing all of the retirement legislation of the Army and the Navy.

Mr. KING. I grant that that would be the work of Sisyphus; it never could be accomplished.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes that members of the Army Nurse Corps who have had active service therein of 20 years (including for the purpose of computation time of service as contract nurse) shall, upon application therefor to the Secretary of War, be placed upon a retired list, and shall thereafter receive 75 per cent of the pay, exclusive of

foreign-service pay, they were drawing at the time they became entitled to retirement as aforesaid.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TREATY OF PEACE WITH GERMANY.

Mr. BORAH. Mr. President, I am not going to detain the Senate by any extended discussion. I was interested yesterday, in going through the Sunday papers, to find the state of mind of the world with reference to the settlements and adjustments which have thus far been taken care of in the pending treaty.

Read in the light of the treaty now before the Foreign Relations Committee of the Senate, yesterday's Sunday papers were most instructive. If the news items of these papers are correct, almost one-half of the population of the world outside of the Central Powers are now protesting against the settlements and adjustments made in this treaty. I do not include in that the nations with whom we were at war. I refer only to the people who are subject to the domination or control of the allied powers. The papers carried the voice of protest in different ways of millions who were represented in the war upon the side of the Allies. Much of this news was belated, long suppressed, some of it carried to this country by the representatives of the protesting people. But in some form or other this news appeared in yesterday's paper in different ways. The Chinese are in open protest against the treaty. The Koreans, the Egyptians, large portions of the people of India, the people of Ireland, all are asking in some way to be released from the terms of this treaty or objecting to its provisions. In some of these countries open revolution is being carried on. War is already in progress to compel them to submit to the treaty. If you add to all this dissatisfaction the bitter dissatisfaction of Germany and the people of Austria and Hungary, the treaty which we are asked to underwrite and maintain has arrayed against it at this time the sentiment and vehement protest of far more than one-half of the people of the globe. Never was a more perilous situation presented for the consideration of a nation. It is the conviction of some of us that if we do what is here proposed, sorrow and suffering are ahead of the American people. It is a greater load than we can carry, and yet there are those who are hastening to enter this uncharted sea. I would not feel justified in discussing these facts if it were not that as I view it this covenant makes them of prime concern to us. The task of underwriting the treaty itself with reference to the powers against whom we were at war would be a considerable task, but when we find that the peoples who were represented either directly or indirectly, the subject nationalities upon the side of the Allies, constituting nearly one-half the population of the earth, are in protest now before the treaty is ratified, it presents, to my mind, the most serious proposition with which we have had to deal as a practical fact at this time.

There are the Chinese, some 400,000,000, the Koreans, the Egyptians, the people of Ireland, and you may travel through, quoting now simply from memory, the list of subject nationalities, and practically all have in some form registered a protest against present settlements.

Before proceeding briefly to call attention to the situation I read into the Record, although they are familiar, of course, to my colleagues, article 10 and article 11, both bearing upon this particular phase of the situation:

ART. 10. The members of the league undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all members of the league. In case of any such aggression, or in case of any threat or danger of such aggression, the council shall advise upon the means by which this obligation shall be fulfilled.

That article has been construed to mean a protection of the boundaries of the different nations as they shall exist at the time the treaty is finally ratified. It is supposed to have nothing to do with other than external aggression and the existing political independence. A great deal has been said as to the manner in which it might well be construed to go much further than the mere protection against external attacks, but I leave it with the construction which its supporters place upon it. Coupled with it is article 11:

Any war or threat of war, whether immediately affecting any of the members of the league or not, is hereby declared a matter of concern to the whole league, and the league shall take any action that may be deemed wise and effectual to safeguard the peace of nations.

"Any war or threat of war" includes war of any kind. Can there be any doubt that article 11 covers internal war as well as external war? That is accentuated in view of the fact that the preceding article covers only supposedly external war. But we have article 11, which says:

Any war or threat of war, whether immediately affecting any of the members of the league or not, is hereby declared a matter of concern to the whole league.

It includes internal disturbance or internal war or a revolution or any other disturbance which the council would construe to rise to the dignity of a threat of war. Then it says:

And the league shall take any action that may be deemed wise and effectual to safeguard the peace of nations.

If article 10 were eliminated and article 11 should remain in the league, the principle of article 10 would be as effectually covered by article 11 as it is in article 10. Certainly "any war or threat of war" would cover an external attack as clearly as an internal, and could be as readily applied to it.

It seems to me that the striking out of article 10 and leaving in article 11 accomplishes but little along the line those desire who are opposed to article 10. Suppose article 10 is eliminated, and we will say, simply for the purpose of illustration, because we have to take some nation, that China makes an external attack upon the territory of Japan. It is just as effectually covered by article 11 as it would be by article 10, because it is a threat of war or actual war. It may be war or a threat of war. Therefore when you couple article 10 and article 11 the league is given jurisdiction over every conceivable disturbance which may be interpreted either as war or a threat of war, and it is immaterial whether it is internal or external.

I call particular attention to article 11 in view of the situation as it was developed in yesterday's papers. There is now going on in the allied countries and subject nationalities war and threat of war among nearly one-half the population of the earth.

If the league were completed to-morrow and the situation should be presented as it was presented yesterday by the news items in the papers we would have a matter of concern to us as a member of the league in every quarter of the globe without any exceptions, so far as I was able to decipher from the news items. We would be concerned with the situation in China and Japan, in Korea, in Ireland, in Egypt, in Persia. Throughout the two hemispheres there is that condition of affairs which must necessarily be designated as either war or a threat of war.

The fact is, Mr. President, that the distribution which took place at Versailles was really a distribution of the territory of two hemispheres among three or four nations at most. For instance, Japan, prior to the meeting at Versailles, had acquired Korea, Formosa, large holdings in Manchuria, extended holdings in Mongolia, and by the settlement at Versailles a most vital holding in the very heart of China, to wit, Shantung. That condition of affairs places Japan in practical control of the Eastern Hemisphere. If the Shantung matter is ratified and the policy which I believe to be the policy of Japan is carried out, and I judge that policy by her acts in the past, there can be no doubt the dominating, controlling, and directing influence for the entire Eastern Hemisphere will be the Japanese Imperial Government. At no distant day she will control the millions in that part of the world.

Against that condition of affairs there is now, and there will continue to be, in my judgment, until it is settled by the arbitrament of war, the protest of nearly one-third of the population of the earth.

Mr. KING. Will the Senator yield?

Mr. BORAH. I yield.

Mr. KING. Is the Senator contesting the proposition which seems to have been accepted by many statesmen, European as well as American, occidental as well as oriental statesmen, that Japan has a special interest in the Orient, the same as we insist upon having a special interest over the Western Hemisphere? Obviously Japan must have some place in the sun. She can not expand to the East. She is forbidden to go into the Philippines or into Australia or New Zealand. Manifestly her destiny leads her into Asia. There is where we prefer that she should go. Is there anything wrong in Japan being conceded by the statesmen of the world a special interest—and I am not attempting to define the term "special interest"—in the Orient, the same as the Root-Takahira agreement seemed to recognize and the Lansing-Ishii agreement seemed to recognize?

Mr. BORAH. I beg the Senator's pardon, the Root-Takahira agreement particularly avoided recognizing anything of the kind.

Mr. KING. I think the object of it was to effectuate that purpose.

Mr. BORAH. No; I beg the Senator's pardon, the Root-Takahira agreement did not recognize any special interest, and that is the distinction between the Root-Takahira agreement and the Lansing-Ishii agreement. Under the Lansing agreement a special interest was recognized. Let me make my position clear.

Mr. REED. Will the Senator yield?

Mr. BORAH. Certainly.

Mr. REED. I should like to ask, if the doctrine which seems to be recognized and accepted by the Senator from Utah [Mr.

KING], which he so clearly expresses, is to be accepted, what becomes of the doctrine of self-determination and what becomes of the new theory that weak nations are to be protected from the strong, for the Senator seems to go back to the old barbaric principle which we have heard so much denounced, which is that power and strength shall multiply itself and march forward with resistless force and take wherever it wants to take?

Mr. KING. Will the Senator from Idaho permit me to reply to the Senator from Missouri?

Mr. BORAH. I yield for that purpose.

Mr. KING. I do not intend, of course, to divert the Senator from Idaho from the speech which he is making, and I apologize for intruding again, but I do not want my good friend from Missouri to put me in a false attitude, and I know he would not do so intentionally.

I did not mean to express my approval or disapproval, in the interrogation which I propounded, of the Root-Takahira agreement or the Lansing-Ishii agreement. I merely attempted to state that as I understood it the statesmen both of the New and the Old World seem to concede that Japan's future lies in the Orient. I agree in that view, that her future should lie there, and that if she expands and has a place in the sun we prefer the expansion to be in the Orient rather than in the Occident.

But let me say just in conclusion that a recognition of the proposition that Japan shall have or may have or is entitled to have a special interest in the Orient I do not think confutes the idea of the right of self-determination or the right of local self-government or the right of nationality and sovereignty that belongs to all nations. We assert a special interest in the Western Hemisphere, this great Republic of ours. We do not mean by the assertion of that special interest that we are interfering with the sovereignty or the rights or the liberties or the freedom of any peoples upon the Western Hemisphere.

Mr. REED. That is just the difference between American civilization and Japanese barbarism. They do mean to assert, and they are asserting, the right of national robbery and universal theft.

Mr. BORAH. I desire to make my position clear with reference to the Japanese situation in the Orient and with reference to the English attitude toward its subject nationalities. I might have a deep concern in all those matters as an observer, but I should refrain from discussing them here upon the floor of the Senate if it were not for the fact that we are called upon to become a party to the transaction by underwriting and maintaining a situation.

Japan is said to have a special interest in China. I would be perfectly willing to have that matter debated between China and Japan and have it settled between themselves under certain conditions until those developments should reach the point where they would become of vital concern to us. But the thing which meets us at the very threshold is that this special interest in China is a thing which the United States is called upon now to maintain and guarantee and perpetuate. So it becomes a matter of vast concern to me whether that special interest is based upon the mere fact of the propinquity of Japan to China or whether it is based upon what I believe it to be the intent of Japan to dominate China.

But, Mr. President, where are you going to stop with your "special interests"? When the Lansing-Ishii agreement was made it was agreed that Japan had special interests in China. That was supposed to be based upon the proposition of geographical propinquity. If that was true it was equally true that China had especial interest in Japan. All maps I have ever seen show that China is just as near to Japan as Japan is to China! We would be under just as much obligation if China should ask us to turn about and agree upon a treaty which would give China a special interest in Japan, which there is no danger in the world of our doing, for the simple reason that Japan would not submit to it for a moment. As the Senator from Missouri [Mr. REED] has intimated, it is an exhibition of the fact that the Japanese right is based upon her superior military power and not upon justice.

But, as I said, I could pass that by if it were not for the fact that under articles 10 and 11 the United States will be called upon to maintain these special interests, and it will be called upon to maintain them in whatever light Japan construes them. I think the Secretary of State was correct when he said that this "special interest" had relation to nothing more than the mere fact that it was geographically closely related to China. However, there is no doubt but that a different construction is held by Japan, as was stated in the Russian minister's dispatch to his home government after talking to the Japanese authorities, which was to the effect that Japan placed an entirely different construction upon it, and that in case there was a divi-

sion of sentiment or view in regard to it Japan felt she should have the best opportunity and the greater advantage in enforcing her view.

Mr. MOSES. Mr. President—

Mr. BORAH. Just a moment, please.

So Japan has already construed her special interest to mean paramountcy or political dominancy in the Orient, including a dominancy over 400,000,000 people; and the reason why I am concerned in it is that the United States is now called upon to underwrite and perpetuate it.

I yield to the Senator from New Hampshire.

Mr. MOSES. I should like to call the Senator's attention to the fact that the language in the Lansing-Ishii agreement is "special position," and taken in connection with the Secretary's testimony before the Committee on Foreign Relations, where, to my mind at least, he gave a clear indication of the position, it is that Japan's special privileges, whatever they may have been, grow wholly out of her geographical situation in the Far East.

Mr. BORAH. Both phrases, if I recall, "special interest" and "special position," are used in the agreement.

Mr. MOSES. Both terms are employed, but I think the Secretary's argument before the committee was directed to the term "special position."

Mr. BORAH. The two together, if they are both there, have been construed to mean the same thing, to wit, a peculiar and dominant right of Japan in China over that of any other power. But, Mr. President, there was one thing which appeared in yesterday's papers which interested me more than all else, because the condition of Korea and the protest of China and the situation in the Orient have been discussed a great deal, and there was nothing new about it. I am not assuming to state anything new. But in yesterday's papers appeared, about a month and a half belated, news of the fact that one of the subject nations of England at this time is in violent protest, if not open rebellion, against the authority of the English Government.

In 1882 England went into Egypt ostensibly for the purpose of collecting certain debts and stated to the world over and over again through her statesmen then holding office, such men as Mr. Gladstone, that they were in Egypt solely for the purpose of accomplishing certain things, and that after those things were accomplished, to wit, the collection of debts, they would withdraw from Egypt.

That statement has been carried forward from time to time from 1882, or, in other words, during the last 40 years. In 1914 England, under the exigencies of war, as it was claimed, declared a protectorate over Egypt and set up a ruler chosen by the English Government. It was stated at the time that that was merely a step toward the independence of Egypt, and the Egyptian people thoroughly understood, and acted upon the understanding, that they were being protected by a friendly power with a view of giving them their independence, for which they had long been striving.

When the peace commission met at Versailles the Egyptian people undertook to send their representatives to Versailles for the purpose of presenting their cause. They were denied an opportunity to present the facts. They were not only denied an opportunity to present them, but their representatives were interned and practically imprisoned and are practically held, if not actually in restraint, until this time, being refused passports even to come to the United States.

The world paid very little attention to that incident, because a single line covered the entire transaction. We did not know that lying behind that effort of those representatives to have a hearing at Versailles were the protests and uprising of an entire people, uniform in language and in civilization and animated by a true spirit of nationality. Their protest has ripened into actual warfare, and that warfare has been going on from the time of the first notice to the Egyptians that the protectorate was to be made permanent until now. To-day in Egypt those people are being held by force; they are restrained by the bayonet, and bloodshed and carnage prevail throughout that country.

I again state that, while any man would feel deep concern that such revolting things should be going on, I would not discuss them here except for the reason that this is another one of the illustrated conditions which we are to take care of under articles 10 and 11. The Far East is a seething mass of discontent and revolution, including nearly one-third of the earth's population, and we are to underwrite it.

In addition to that there are coming forth now protests of millions of people under the British flag against the authority which we are asked to maintain for Great Britain. Mr. President, the English Government as a result of this war acquired territory almost as large as the United States. Although im-

perialistic appetites were supposed to have been satisfied by the experiences of the past, when the Versailles conference shall have finished its work and this treaty shall have ripened into actual results, Great Britain will have acquired a territory almost as large as the United States and will have acquired dominion over 33,000,000 people. Of those 33,000,000 additional people over whom they have acquired or will acquire dominancy practically all are to-day in protest against the reign and rule of Great Britain.

I am concerned about these conditions, as I say, by reason of the fact that they can no longer be a matter of distant concern to the United States. When the league covenant is once completed they may be just as vital and just as much our concern as if they arose within our own territory. We may be called to assume the responsibility of settling them in Egypt as we would be in Mexico, or even within our own boundaries.

I call attention, Mr. President, to some of these facts and will ask that others be inserted in the Record.

Bear in mind, Mr. President, that the information which is now reaching the people of the United States is information, based upon facts, which has been in existence and should have reached the people of the United States weeks and weeks ago; and they reached this country not through the channels of the news agencies but by means of special representatives chosen by the subject nations to bring them to the attention of the people of the United States.

In other words, the people of the United States are being asked to make haste and ratify a treaty while the news agencies, such as Reuter and Havas, are withholding from the people of the United States the facts upon which may depend the lives of hundreds of thousands of our citizens. The Reuter News Agency, the French news agency known as the Havas, has been precluding from the people of the United States that information which goes to the very heart of this problem with which we are dealing; and the facts which are brought here for the consideration of the American people are brought in spite of the action and over the protests, as one might say, of the nations with whom we are asked to form a partnership.

We know that for the last four years carnage, devastation, and decimation have been going on in Korea; there is not an act of German brutality that may not find its counterpart in the treatment of Korea by Japan, and yet, until Christian organizations were able through their agents to bring that news to this country, the American people were informed over and over again through the organized propaganda which was going on that it was a blessing that the Korean people had come under the control of Japan. As a matter of fact, when the real information gets here from authorities which we dare not challenge, instead of it having been a blessing, we find that it is an indescribable curse upon the Korean people that Japan ever placed her control over those helpless people.

The same thing precisely is now taking place with reference to Egypt and the other parts of Europe where the subject nationalities are facing the reign and the rule which we propose to fasten down and make permanent for all time.

ATROCITIES CHARGED AGAINST BRITISH SOLDIERS BY EGYPTIAN PEACE DELEGATION.

CAIRO.

Hundreds killed, wounded, and imprisoned by British soldiers, who swept the streets with machine guns during peaceful demonstrations of protest against deportation of Egyptian independence leaders. Ten-year-old girl assaulted by several soldiers until she died.

CHOBAK.

British soldiers pillaged town, killed 21, wounded 12, mistreated women, buried 5 persons to their waists and cut them to pieces with bayonets, burned 144 of the 200 homes.

EL CHABANAT.

Detachment of English soldiers pillaged village, burned it, and left 4,000 persons without shelter.

AZIZIA AND BEDRECHEN.

Soldiers searched both villages for arms and burned a number of homes.

CHOUBRA-EL-CHARIEH AND KAFFR-EL-HAGGA.

Alleging that a shot had been fired at an English patrol, soldiers condemned all male inhabitants to be flogged on the stomach and back.

UPPER EGYPT.

British general decreed that every Egyptian, including high dignitaries, must salute British officers in the streets. Those who did not obey the order were dragged before courts-martial.

These were facts which the Egyptian people asked permission to present to the Versailles conference, but, just as Japan prevented the Korean delegates from raising their voices at the Versailles conference to give the world the facts and to inform the people of the United States the kind of partners which they were to have, the English Government denied a hearing to the Egyptian delegates who were to present these facts to the conference.

I read a portion of an affidavit, a copy of which I have in my possession. This is an affidavit by the son of the mayor of Chobak:

I heard what the soldiers had done with five of the inhabitants, namely, the Sheikh Abdel Ghani Ibrahim Tolba, his brother, Abdel Rehim Ibrahim Tolba, his son, Said Abdel Ghani Tolba, and two others, Khafagi Marzouk and Abdel Samad el Okbi—those were buried alive to their waists, then shot and afterwards disfigured with bayonets. I saw their disfigured corpses as I assisted in getting them out of the places they were buried in. One hundred and forty-four houses were burned, and to our knowledge 21 persons were killed and 12 were wounded, out of whom 1 died. It is very probable that the casualties were more than that, as most of the houses were totally burned to ashes, and it is presumed that many inhabitants were burned within.

Four soldiers attempted to break the door of my neighbor, Gad el Noulia Nassan Magata, but they were unable to do so. Then they entered an adjacent house and jumped from it onto a roof and went down to the said house, where they found Gad el Noulia and his wife, Wakda Bint el Gabn, who was carrying her child, a year old. The soldiers attempted to assault her, and when her husband protested one of them shot him and he died the next day. She fled into another room, but the soldiers followed and caught her. She thought when she held her child, who was on her shoulders, to the soldiers she might attract their mercy and pity toward her, and thus escape assault, but when she stretched her arms with the child between them the soldiers brutally shot the child and the bullet pierced his right shoulder. He did not die and is still under treatment.

I ask permission, Mr. President, to insert at this point some other facts in the Record without reading.

The PRESIDING OFFICER (Mr. EDGE in the chair). Without objection, permission is granted.

Mr. BORAH. I read a paragraph from the petitions which were to have been presented by the representatives of Egypt to the peace conference:

STRIKING POINTS IN EGYPT'S PLEA TO PEACE CONFERENCE FOR INDEPENDENCE.

What the English have done in Egypt has opened between them and us an abyss so deep that it is radically impossible for the Egyptians to accept any longer the domination of the English.

We know the great bulk of the British people consent to what is being done in Egypt only through ignorance of the shameful facts. The truth has been rigorously suppressed.

Is there not reason for us to doubt the triumph of justice when we consider all the obstacles put in our path to prevent our feeble voices from being heard in the world above the powerful voice of England?

If excesses committed against the enemy are reprehensible, what is to be thought of excesses committed against a friendly and allied people? (Referring to alleged British atrocities.)

For the British authorities in Egypt the treaty of London was a "scrap of paper," just like the promises officially made by British statesmen.

The principle of inviolability is not taken into consideration; there is no respect for women and no regard for the life and property of the innocent.

The whole of Egypt rejects the British domination. It will be a crying injustice if the conference sanctions the loss of the autonomy we acquired a hundred years ago. Is it conceivable that the Egyptian people can be treated like ordinary merchandise?

Let us suppose, for the sake of the argument, which I am perfectly willing to do, that the outrages in Korea have been exaggerated; let us assume, for the sake of the argument, that the brutalities in Egypt have been exaggerated; let us assume that the cruelties which are now coming to light have been overcolored; the fact remains that all these people are in utter opposition to the authority and the power which we are called upon to perpetuate and maintain; and it is demonstrative of the fact that these people are not going to be reduced to subjection or to serfdom without a contest which will ripen into war. War is now being waged and it will continue to be waged until an overpowering pressure reduces them to actual subjection.

The thing which I object to is that the United States shall be called in as a partner to help furnish that overpowering pressure. I object to forming a partnership with any nation or combination of nations which have not constructed their civilization and their government upon principles in harmony with the principles of this Republic. If, as conditions now exist, we are to form partnerships with these nations, we are simply taking upon ourselves the burden of oppression which has characterized our partners before the partnership was formed.

There are three points to which I therefore direct attention to-day: First, the persistent, the constant, the never-ending efforts of the news agencies of England and France to keep the facts from the American people; second, that while the facts are being concealed and ignorance prevails as to conditions in those countries, we are being whipped and lashed to conclude the treaty before the facts are known; and, third, that when we enter into this partnership we then become, under articles 10 and 11, obligated to perform the never-ending duty of keeping those people in a condition against which they are at this time protesting. It is a fearful task, a task fraught with all kinds of trouble for our people, a task at war with all our professions, principles, and ideals. Why hasten? Let us know all and everything there is to be known before we take on this stupendous burden. Let us, if we are to assume the burden, do so in the full knowledge of its great weight.

I here insert in the RECORD certain statements or affidavits:

Sworn statement of Abdel Latif Abou el Magd, age 25 years, a farmer and son of the omda (mayor) of the village of Shobak, Province of Giza:

"On Sunday, March 30, 1919, a policeman came to our village with a message from the mulahez (police officer) of Mazghouna, Sawi Effendi El Taher, informing my father of the expected arrival of a train conveying British soldiers to repair the railway line. He, the policeman, instructed us to send out 30 men to help in carrying out the repairs; moreover, he drew our attention to the necessity of giving every assistance to the expected forces. The mayor then did his best in collecting the required laborers, and, together with the sheikh and the chief guard, he advised all the inhabitants to welcome the forthcoming soldiers and to treat them well, in order to avoid the unpleasant consequences. Further, a day before all the mayors of the villages of the neighborhood had received instructions from the mulahez to welcome the British soldiers in order to avoid any misunderstanding. Our mayor communicated these instructions to all of us, and we on our part, knowing of what had happened in Azzazia and Badrahein, resolved to resort to absolute tranquillity.

"The train arrived at 4 p. m. and stopped at a distance south of the village. The soldiers came down and were received by the mayor, the sheikh, the chief guard, the guards, and myself. We noticed that they meant to enter the village, and we feared the bad results of their so doing. The mayor, therefore, tried to convince them not to enter the village, but in vain. None of them or with them could understand what the mayor was saying. They entered the village and installed themselves all over. They took all the geese, the fowls, pigeons, lambs, etc., that they came across. I saw some of them surrounding a woman named Aziza Bint Khodelr, wife of Abdel Tawab Abdel Maksoud, shamefully touching every part of her body and trying to violate her. She cried for her husband's help. He ran out from the house with a stick in his hand and gave the soldier who caught his wife a blow on the head. Another soldier then fired at him and killed him on the spot. Murmurs of rage and discontent filled the air, specially for defaming the honor of such women as Aziza and others, of whom I heard but not seen. The soldiers then began to attack the houses, killing the inhabitants, plundering everything that came under their sight, burning the buildings, animals, and people, and shooting everybody who came in their way. My father and I took shelter in our house till the morning. Throughout the whole night the soldiers were trying to open or break through our door in vain. Next day, at about 8 a. m., the mulahez came to our house and shouted to my father to get out. My father then opened the door, and the mulahez, together with 10 British soldiers, entered our house and searched every corner of it to see whether there were arms, but they found none. They did not take anything at all from the house, but took my father along with them, and the mulahez ordered me to shut the door after him, which I did. Half an hour later some soldiers, about 10 in number, climbed our neighbor's house and jumped into ours. I therefore took my younger brother, aged 16, to a room, wherein we shut ourselves. The soldiers broke its door to pieces and ordered us to get out, threatening us with their rifles. They put one of them on our guard and the rest entered all the rooms of the house, breaking open our boxes and cupboards and taking away all that they found, such as jewelry and clothes. One of the soldiers cut off my robe with his bayonet and took my bank-note case, which contained £150 in bank notes, and some jewelry, estimated at £200. Fortunately our ladies were absent that night in a neighboring village. The soldiers on their going out set fire to the carpets of our waiting room. As regards my father, I heard that he had been seen at El Ayat and then at El Wasta, but nothing certain is known about him. I heard what the soldiers had done with five of the inhabitants, namely, the sheikh, Abdel Ghani Ibrahim Tolba; his brother, Abdel Rehim Ibrahim Tolba; his son, Said Abdel Ghani Tolba; and two others, Khafagi Marzouk and Abdel Samad el Okbi. Those were all buried alive to their waists, then shot, and afterwards disfigured with bayonets. I saw their disfigured corpses as I assisted in getting them out of the places they were buried in. A good number of animals were killed, among which we lost a buffalo and a camel. One hundred and forty-four houses out of 210 were burnt, and to our knowledge 21 persons were killed and 12 were wounded, out of whom 1 died. It is very probable that the casualties were more than what had been discovered, as most of the houses were totally burnt to ashes, and it is presumed that many inhabitants were burnt within. The survivors at present leave the village by night and return to it by day.

"Q. Were the soldiers armed when they first left the train, or did some of them return to the train to get their arms?—A. Some of them were armed and some were not. But when the firing of those soldiers in the village was heard the train moved nearer the village and stopped at about 30 meters from it, and the machine guns were then put in action. Fortunately the inhabitants fled to the fields and the losses did not therefore exceed the number above mentioned."

Later, the Omda's son requested to add to his original evidence the following:

"My father, the Omda, was taken to a place unknown to us. The sheikh was half buried alive and shot. The chief guard was also killed in his house and the three guards fled. The village is now left without any responsible person in charge. We therefore solicit the Government to protect us against further attacks on our persons, honor, and property and also the remaining small part of our poor village. We came some days ago to the Mudira and complained to the Mudir and to the members of our provincial council, who had a meeting held and examined our complaint. But till now we did not see any steps taken in connection with our grievances about the atrocious actions committed by the British soldiers in our village. Moreover, I still do not know whereto my father has been taken."

His statement ended, he affirmed and signed.

To the members of the legislative assembly and members of the provincial council of Giza:

I, the undersigned, Ibrahim Rashdan, mayor of Azzazia, have the honor to submit the following to your notice:

On Tuesday, 25th March, 1919, at 4 a. m., I was awakened by 10 British Army soldiers knocking at my door under the command of two officers, who had revolvers in their hands.

They were accompanied by an Egyptian corporal, a soldier, and an interpreter.

The interpreter told me to give over my weapons and to collect all arms in the village within the space of a quarter of an hour.

I surrendered my revolver, and no sooner had I done so than the soldiers rushed into my bedroom, where my wife and the three children were terribly frightened. The officers and men broke open a wardrobe and jewelry box and took the contents, as well as a wallet containing £50. They subjected my wife and the children to brutal, insulting treatment, even snatching my oldest child's (8 years) earrings with such violence as to wound the ear.

They then went to another wing of the house, where my sons' families lived, and meted out the same treatment to them, the officers looking on and even taking part, with astounding coolness, notwithstanding the pleading of the women and children. They found a safe in my son's apartments and they threatened to kill me if I did not instantly open it; they found 950 sovereigns and my wife's and sons' wives' jewelry, which they took.

They then ordered me to direct them to the homes of the neighboring sheikhs. These homes and those of other inhabitants which looked prosperous were subjected to the same treatment as mine, with varying degrees of violence.

The interpreter informed the people that the British were going to burn the village and ordered the inhabitants to evacuate as soon as possible. Men, women, and children hurried away, carrying what they could.

The village was surrounded by soldiers, who took everything from these unfortunates while leaving the village. They subjected the women to the most brutal treatment; but the fellahen (peasants) hide these details for the sake of their women's reputation. Cases of rape have been signalled.

From a neighboring sheikh's house I saw the flame rising from my roof, and I learnt that the troops had set fire to it. Every quarter of the village met with the same fate. A sacred banner embroidered with the Moslem formula of faith was desecrated. All the sheikhs were arrested and brought to where I was. The assistant sheikh ghafir (head night watchman) was also arrested, his house plundered, and his wife grossly insulted.

A procession was formed to proceed to Hawamdieh, and whenever the troops found our pace too slow (we were mostly elderly men) they urged us on with the points of their bayonets. We were not allowed to ride, and, as the sun had by now reached its zenith, our sufferings were terrible, and one soldier took pleasure in photographing us in this pitiful condition.

We arrived at Hawamdieh police station about noon, and there found the mayor of Bedreshin and one of his sheikhs. They informed us the terrible treatment which their village and inhabitants had received. We remained for some time under the burning sun with dust blowing, facing the British cannon and surrounded by armed troops.

We were all taken to an inn belonging to the sugar factory, where we found 30 officers and a president. Abdul Medjid Effendi Tharwat, the mulahez (police officer with rank of lieutenant), brought us before them. The senior officer spoke and said, "I am about to inform you of the crime with which you are charged. Azizia is guilty in so much as a British officer has been beaten by some of its inhabitants. This officer was on his way to the Pyramids of Saccara, whither he was bound with other officers; and the joint crime of both villages is, as I learnt at Cairo, the participation of the inhabitants in the burning of the Hawamdieh and Bedreshin railway stations."

I told the officer that I, with my family, the mulahez mustafa effendi, and the people of the village, were guarding the factory during the recent outbreak. I was risking my life in this task. The mulahez by whose side I was standing was wounded by a bullet. I also told the officer that he could make inquiries through the district governor, the manager, and the employees of the factory; but the senior officer would not accept my statement. In truth, these two villages took no part in the destruction of the railway lines, and as far as could be ascertained this destruction was the work of strangers. The burning of the stations of Giza took place several days before the proclamation of the general commanding officer. From our village I can assure that no one molested an officer.

The senior officer then ordered us to collect all arms in the village or he would burn it, and we should share the same fate. He furthermore informed us that henceforth disobedience meant capital punishment. He wrote the following in English and ordered the mulahez to translate in Arabic, and which read: "We, the omdehs and sheikhs of Azizia and Bedreshin, express our regret at the destruction of railways and the attack made on the soldiers of the British Empire, and we admit that the fate which befell our villages is just and proper, and we are prepared to offer any number of men necessary, and refusal will mean court-martial."

The mulahez assured us that if we did not comply and sign this document we should be instantly shot; and we realized that from previous atrocities we had witnessed this would be our fate. As we were in front of the guns and surrounded by armed troops, we signed. The mulahez assured us that he was forcibly obliged also to attach his signature to this document.

We then started for the mudiriah of Giza (provincial governor), where we entered a verbal complaint to his excellency the mudir. From there we went to Cairo and complained to the mustachar (the English adviser to the ministry).

The next day the mamour el dabt (head officer for public security) took our evidence officially in his report of investigation. He interrogated the Egyptian corporal who accompanied the forces which attacked Azizia and his evidence corroborated mine. He furthermore stated that he had seen British soldiers with the jewelry and who were offering it to the passers-by for sale.

On returning to my home village I found about 180 houses burned and most of the inhabitants left. I found my sister grievously ill as result of the torture she had undergone. All that remained of my home was a few burned mats. I then took my family away to different distant villages.

It is impossible for me to recount all the atrocities and chain of horrors from which unfortunate Azizia suffered, but I will mention the case of the Chafir Abdulla Mahammed, whose house the soldiers entered, took the little money there was and also his wife's jewelry. They undressed his wife and touched her indecently, and in spite of her cries for mercy they beat her with the butts of their rifles. They finished by setting fire to the house.

The Chafir Mahmoud Abdel Aal stated that 10 soldiers took away his rifle, ransacked his house, took all the money and his wife's jewelry. His wife had luckily run away and hid in the cornfields, otherwise she would have been grossly insulted, as were all other women who passed through the British soldiers' hands. His house was completely burned down; they gave him back his rifle, but, adding insult to injury, they tied some dead fowl to it and made him carry it thus to the police station.

I have been an eye-witness to what has been done to the homes of the sheikhs and other inhabitants. They entered the house of Sheikh Mahmoud Okby (I was with them under guard), took his money and all jewelry they could set hands on; the sheikh valued all at about £500. They burned his, his wife's, and the children's clothing, and they are at present wearing borrowed garments. He was then arrested and with me taken to Hawamdieh.

I am suffering from nervous shock in consequence of the treatment to which I was subjected and am extremely weak. I am now staying at Cairo, after having sent my resignation to the mudira.

IBRAHIM DESOUKY RASHIDAN.

REPORT OF THE MAYOR OF GIZA.

On Sunday evening, the 30th of March, 1919, an armed train arrived in the village of Eli Chobak, carrying British soldiers in charge of repairing the railway lines. Immediately on leaving the train the soldiers commenced seizing fowl, sheep, and other property of the inhabitants. Nobody opposed them. Afterwards they began to grossly insult the women. One woman, whose husband tried to protect her from their revolting behavior, had a quarrel with them. For this they encircled the village and set fire to it on every side. Those who tried to escape from the conflagration were shot. The soldiers then invited the sheikh and four notables of the villages to follow and explain to the commander of the train.

These men were then strangled and buried upright and their heads were covered over by grass. This carnage and burning was continued from Sunday at 3 o'clock p. m. until next morning at 10 a. m. They then drove the inhabitants to the armed train; the mayor was among the number.

The mulahez (police officer) came to intercede in favor of the women. He entered the village and was struck by the cries of a woman, who implored him to help her. He perceived three British soldiers violating her. He stated that the number of killed was 31, the wounded 12; 144 houses were burned. The number of dead animals was 55, besides a large number of stolen ones.

These acts are certainly not of a nature to give satisfaction to humanity nor to civilized peoples. We transmit the lamentations of our widows, orphans, the old, and infirm to every heart which contains a sentiment of pity. We, the inhabitants of the village of Chobak, cry to the world against the atrocious crimes of which we have been victims.

If there is no one to render us justice and to protect us, if this reign of terror continues, we shall be obliged to leave Egypt, which is becoming a center of anarchy from which no power can protect the innocent from their oppressors. We shall trust in God alone.

(Follows 20 signatures, with stamps, of the villagers.)

LEASING OF OIL LANDS.

During the delivery of Mr. BORAH's speech,

The VICE PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 2775) to promote the mining of coal, phosphate, oil, gas, and sodium on the public domain.

Mr. SMOOT. I ask unanimous consent that the unfinished business may be temporarily laid aside.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and the Senator from Idaho will proceed.

After the conclusion of Mr. BORAH's speech,

Mr. CHAMBERLAIN. Mr. President, some time during the latter part of December last I addressed the Senate, and amongst other things called attention to the severe sentences that were being pronounced by courts-martial both here and in France; and, to illustrate the points I was desiring to make, I cited a number of individual cases where extreme sentences had been passed upon young men in the Army of the United States for very slight offenses. I believe it was the first time that public attention was drawn to these severe sentences, and it seems to have opened up a veritable Pandora's box. The exposure led to an investigation by the Military Affairs Committee of the Senate of the convictions under courts-martial here and in Europe, and hearings were had in February, 1919, at which Gen. Ansell, who was Acting Judge Advocate General, and a number of other witnesses were called in reference to the whole subject.

Mr. President, I shall not undertake at this time to enter into a lengthy discussion of the matter. I intend to do that a little later. The testimony at the hearings showed that there was a difference of opinion between the Judge Advocate General, Gen. Crowder, and the Acting Judge Advocate General, Gen. Ansell, as to the power of the Judge Advocate General over these records of conviction, and these differences were very marked, the Judge Advocate General taking one view of his power under the law to revise or modify or reverse the sentences of court-martial, claiming that where the court had jurisdiction and its judgment is once approved by the proper commander, however erroneous it might be by reason of flaw in the proceedings, there is no power of correction in the Judge Advocate General or elsewhere, and that the Judge Advocate General had no further power than an advisory one, looking to mere clemency, based on the illegality of the proceedings, while the Acting Judge Advocate General, Gen. Ansell, claimed that under section 1199 of the Revised Statutes the Judge Advocate General had the power to "revise" these sentences. This latter, it seems to me, is the sensible view. The War Department sustained the contention of Gen. Crowder. It is

around these conflicting views that the war on the subject has waged for some time.

In the course of the hearings before the Military Affairs Committee—I then had the honor of being chairman of that committee—I requested Gen. Ansell, on behalf of the committee, to prepare a bill which would so amend the Articles of War as to give the power to some tribunal to revise or to modify or to reverse the sentences of courts-martial. That bill has been prepared, was introduced in the Senate by me, and is now before a subcommittee of the Military Affairs Committee, and hearings are being had upon it.

I do not intend to address myself to that measure at this time, but shall do so later, when I hope to be able to cover the whole subject. But, Mr. President, I feel it proper to say here and now that the War Department has been entirely unfair to anyone who has undertaken to present a view which differs from the view of the Judge Advocate General. That department has in most unusual ways put its whole power behind an effort to sustain the present military court-martial system and the Articles of War. I feel that the methods which have been pursued are wrong. I have since the war began felt that the system and its enforcement were inherently wrong for this enlightened day and generation and that a modification of it ought to be made, although I insist that the Judge Advocate General had the power, if he had seen fit to exercise it, without any additional legislation, to modify or to revise sentences of courts-martial, notwithstanding his present opinion to the contrary.

Mr. President, Gen. Crowder rendered the country a most distinguished service in the matter of the selective-service law and the efforts which he made to put it into effect, and I commend the work he did, and the country has commended it, but in that law as originally prepared the hand of the military autocrat was in evidence, and the committees of the House and Senate gave to it its touch with the civil population of the country; and while Gen. Crowder is entitled to credit for its enforcement, he is not entitled to any credit for having deprived the original measure of its Prussian tendency and spirit. He is at heart a military autocrat. To him the enlisted man is a mere pawn upon the chess board.

Mr. President, I have had many conferences with Gen. Crowder during the period of this war, and I have told him and other men connected with the Military Establishment more than once that he and they did not get the civilian viewpoint of matters which affect the nonmilitary population. Now, when anyone dares indulge in criticism of this system of military justice—or shall I say injustice—Gen. Crowder shows the same Prussian bent of mind. I dared criticize and drew upon my innocent head his unreasoning wrath. A short while ago I happened to pass him engaged in conversation with a distinguished member of the Military Affairs Committee of the House. The latter stepped up and greeted me cordially. The former did not even turn in acknowledgment of an introduction to me, thus proving both his entire lack of good manners and his resentment of criticism of what he stood for. I stated then, at the suggested introduction, that although I knew the gentleman, he did not seem to know me, and that I had no regrets over the incident. Nor had I. It simply illustrated—and I tell of the incident for that purpose—the character of the man who might, if he had seen fit, have alleviated the suffering and humiliation that fell to the lot of thousands of American boys. He brooks no criticism. He allows no differences with him. He must be supreme.

This incident is not going to deter me from following the path that I had mapped out a good while ago, and that is to get to the bottom of and, if possible, cure this vicious military system. Some time ago, Mr. President, I showed from authentic sources that there have been more than 322,000 trials by inferior courts in the Army since this war began and up to the armistice and over 22,000 general court-martial trials for the same period, and that the average general court-martial sentence of confinement alone, including the most trivial offenses, reaches a period of seven years. This, of course, excludes sentences of life imprisonment and death. I shall call attention to some of those cases later in the session and before I get through with the discussion of the subject to show how unjust they are. Although the system is perfect, as is claimed by the Secretary of War and the Judge Advocate General, although according to them there are no injustices in the system, although they have undertaken to assure the parents of the young men of the Army that everything was all right, yet some 4,000 of these court-martial sentences have been reduced by a board created by the Secretary of War from an aggregate of 28,000 years to a present aggregate of something like 6,700 years! There is still room for improvement, Mr. President; and what is even worse than all these sentences is the fact that after they have been imposed the most shameful bru-

ality has been practiced against military prisoners, no matter how splendid their records may have been nor how slight their breaches of discipline.

All this is preliminary to this proposition: After these hearings began and the gentlemen who were responsible for these unjust sentences began to sit up and take notice of the conditions, after the lid had been lifted, and the people were beginning to give some attention to conditions, the War Department immediately rushed to the defense of the system. The Judge Advocate General prepared a letter for the Secretary of War some time in March, and the Secretary of War signed it. It was largely devoted to upholding the system, showing that there were no injustices in it and it apotheosized the Judge Advocate General. Then the Judge Advocate General proceeded to reply to that letter in order to show further that there were no injustices in the system. Then under Col. Wigmore, of the Judge Advocate General's department, the subject was still further pursued. The gentleman was a colonel in the office of the Judge Advocate General. He was placed at the head of the propaganda system, and he enlarged upon the defense which the Secretary of War and the Judge Advocate General had made, and there were franked out under his supervision over 70,000 of these so-called justifications and defenses of the court-martial system.

Mr. President, when these letters of the Secretary of War, the Judge Advocate General, and Col. Wigmore were given to the public I appealed to the Secretary of War, who was absent at the time inspecting the cantonments and camps of the country, that Gen. Ansell's view of the system might be presented at the same time to the public. That request was declined. Gen. Ansell's mouth was closed, and he was demoted and practically driven out of the service because he dared to attack this pernicious and vicious system as it was practiced in the Army. He is out of the Army now, Mr. President, and he is permitted to speak. Although he remained in the service for four or five months after he had made his statement before the Senate Military Committee and developed the true state of affairs with respect to court-martial injustices, and was thereafter placed at the head of a clemency board, the War Department has not dared to proceed against him under the very arbitrary system which in season and out of season he has denounced.

I have had a number of conferences with Gen. Ansell, and I recently asked him to address me a letter, answering a number of questions I put to him, and giving me his views of the whole subject of the court-martial system and the attitude of the War Department to it. He has complied with my request, and I ask unanimous consent to print the letter in the RECORD without reading.

The PRESIDING OFFICER (Mr. EDGE in the chair). Is there objection to printing in the RECORD the letter without reading? The Chair hears none.

The matter referred to is as follows:

MILITARY JUSTICE.

RIGGS BUILDING,
Washington, August 16, 1919.

HON. GEORGE E. CHAMBERLAIN,
United States Senate, Washington, D. C.

SENATOR: At a recent interview you referred to the defense made by the Judge Advocate General of the Army and the Secretary of War on "Military Justice During this War," as contained in the document so entitled, consisting of a letter from the Secretary of War to the Judge Advocate General, and of a letter from the Judge Advocate General in reply, published and distributed throughout the country at public expense as official business.

You expressed yourself at the time as of the opinion that the presentation made by these public officials was not helpful to the true interests of the public or of the Army. I said to you then that that presentation could be shown to be of such character that it could but misinform and mislead the public mind. I shall endeavor to show you now that such is its real character.

In the very beginning we are made to see that

THE SECRETARY OF WAR BLINDLY SUPPORTS THE EXISTING SYSTEM.

Military justice is a subject in which the people should have deepest interest and the Secretary of War keenest concern. It involves in a very direct way our national safety. It affects the morale of our soldiery, and influences the attitude of our people toward military service. Like all matters of justice, it should be the object of sustained solicitude upon the part of the people and a highly sensitive regard upon the part of their officials who have immediately to do with its administration. Thereby alone may imperfections in justice be seasonably revealed and remedial action taken. Hardly could it be denied that the maintenance of justice in the Army requires that the

Secretary of War be receptive to all complaints of injustice to our soldiery, alert to discover imperfections in the system of its administration, quick to take or recommend the amplest remedies. Throughout the war his attitude has been the very opposite.

At the beginning of the war, in the actual absence of Gen. Crowder, who had been appointed Provost Marshal General, I, by virtue of seniority, came to be the acting head of the office of the Judge Advocate General, which includes the Bureau of Military Justice, just when the mobilization of the National Army began. The instances of palpable and unquestioned injustice through courts-martial soon became so numerous, so gross, and of such a tendency to aggravation as to seem to me to call imperatively for legal check. More than ever before it was becoming apparent to me, and to my office associates as well, that we could not apply the existing system of military justice to the new Army, as it had been applied to the old, without doing great injustice to the soldiery. Some of the gravest deficiencies of our system, as applied to the old Regular Army, became perfectly apparent. It was more clearly revealed than ever before that that system belonged to other institutions and to another age. It is one in which military justice is to be achieved, as it was achieved in England and on the Continent 150 or more years ago, through the arbitrary power of military command rather than through the application of principles of law; a system governed by man—and a military commander at that—instead of by law. Designed to govern a medieval army of mercenaries, it is utterly unsuited to a national army composed of our citizens called to the performance of the highest duty of citizenship. Designed to govern military serfs obligated by personal fealty and impelled by fear, it is utterly unsuited to American freemen serving the State as soldiers, acting under the impulse and inspiration of patriotism. All this was borne in upon us and impelled us to contemplate remedial methods. It is regrettable that it should not have been seen and appreciated by our professional officers charged with the making of this new Army, whom, unfortunately, the department insisted upon chaining to the medieval system under which they had been trained.

Confronted immediately by a case of shocking injustice, conceded to be such by the department, and still conceded to be such by the Judge Advocate General in his defense (p. 50), in which eight or ten old and experienced noncommissioned officers of the Army had been arbitrarily and unlawfully charged with and tried and convicted of mutiny, we in the office of the Judge Advocate General set to work to reexamine our authority to review the judgment of a court-martial for errors of law, with a view to setting this judgment aside by reason of its illegality. In a unanimous opinion, having for the moment the concurrence of the Judge Advocate General himself, we found this power conferred by section 1199, Revised Statutes, which in terms enjoins the Judge Advocate General of the Army to "revise" the proceedings of courts-martial, a Civil War statute designed, in our judgment, for the very purpose. We conceived that this power of revision of the judgments of courts-martial would largely answer the necessity for the legal supervision of the procedure and judgments of courts-martial, for the establishment of legal principles and appreciations in the administration of military justice, and for giving legal guidance to the power of military command over such judicial functions. That necessity was thus early apparent to the office of the Judge Advocate General, the office that was in daily contact with the administration of military justice and charged with such legal supervision over it as War Department administration would permit; but it was not apparent to the military officials of the War Department insistent upon the view that a military commander must be absolute and unrestrained by law. In control of the Secretary of War, they, led by the Judge Advocate General, who had been induced to change his views, won and had their way throughout the war. The old system, applied without legal restraint, was maintained in its full flower throughout the war. The commanding officer was to have full and final power beyond all review. Thereafter the best we could do was to appeal to the natural sense of justice of those who wielded the power of military command.

Throughout the war, upon every proper occasion, I strove with all the power within me, with such reason, argument, and persuasion as I could command, first, to establish legal regulation of the power of military command in its relation to the administration of military justice, and, when I had failed in that, to induce military authority of its own accord to act justly. The records of the War Department will show that this was my insistent attitude throughout, an attitude with which the department disagreed consistently, except when coerced by expediency into the adoption of some administrative palliative. The department

would not stand for the legal supervision of court-martial procedure, but insisted that it should be controlled from beginning to end, and finally, by the power of military command. Surely beyond departmental circles and departmental influence, fair-minded men who know aught of this subject know that the administration of military justice during this war has resulted in injustice, tyranny, and terrorization. The evidence is on every hand. Tens of thousands of our men have been unjustly tried and unjustly punished by courts-martial, and large numbers of them, not tried, have been arbitrarily placed in prison pens and subjected therein to barbarous cruelty, physical violence, and torture. If there be those not willing yet to concede so much, they will be overwhelmed by evidence later on. With our system of military justice as it was considered and decided upon by the Secretary of War and the military authorities the results could not have been otherwise. Those who are responsible for that decision, namely, the Secretary of War, the Judge Advocate General of the Army, the Acting Chief of Staff, and the Inspector General of the Army, must assume the responsibility for the gross injustice done.

Such injustices can not be concealed, however, even during war. Members of Congress became apprised of them from many sources. They became, and properly they ought to have become, a matter of congressional consideration. Bills were introduced for their correction. You were the leader in this remedial movement. In the middle of February last I was summoned before the Senate Military Committee, of which you then were the chairman, and, without having had any previous conference with you upon the subject, to testify out of my experience as Acting Judge Advocate General during the war, and I did testify to the effect that our existing system and the administration of it had resulted in the most cruel injustices. I should have been false to my duty and to my oath had I done otherwise. There had been outrages against the system while war was flagrant. Complaints were everywhere to be heard by all who had not closed their ears. To the extent of my ability I lost no opportunity to acquaint both the Secretary of War and the Judge Advocate General of the Army with them. But the Secretary, as many another stronger man has done, exhibited unusual strength in adhering to his original commitment.

WAR DEPARTMENT METHODS OF DEFENSE.

The matter was now before the public, and the department had to act. The Secretary immediately set about not to inquire, not to investigate, but to make a defense. Therein he was guided, as upon this subject he has ever been guided, by his Judge Advocate General. They appreciated and acknowledged that they were responsible for the injustice, if injustice there had been. They denied that there had been any injustice, and prepared to support and make plausible that denial. Within 10 days after I had testified before the Senate Military Committee the Judge Advocate General and the chief exponent of his view, had a conference with the Secretary of War, at which they formulated a plan for the defense of the existing system and their administration under it. The system was to be maintained at all costs. The authority of the department was to be used to reassure the people as to the merits of the existing system, to deny or condone its results, and to destroy the force of all criticism or condemnation of it. Power of government was to be liberally used to this end. Bureaus of the department were set to work to prepare a defense, public funds generously used, and a campaign of propaganda initiated. Officers of high rank, under Col. John H. Wigmore, in charge, and an adequate clerical force were assigned to the task. Much since then has been said and done in the execution of the plan. The methods employed were such as when employed in private affairs habitually receive the condemnation of honest men and discredit any cause; public funds have been improperly used; official favors have been lavishly bestowed upon those in the office of the Judge Advocate General who would actively support the system, and official power has been used to suppress, discredit, menace, demote, and discipline those who oppose it; clemency boards have been "packed" with friends of the system, and simplest mercy denied in order to vindicate the system and those involved in its defense.

Speaking now to the document under discussion: First, the chief of the propaganda section prepared for the signature of the Secretary of War the letter standing first in the document discussed, in which the Secretary of War was made to convey to the Judge Advocate General an assurance of his entire faith in the system and of his confidence in the Judge Advocate General, and to declare that injustice had not been done during this war. And especially did he call upon the Judge Advocate General to prepare for publication a statement, to the end that the public mind should receive ample reassurance on the subject. The chief propagandist then prepared a responsive statement for

the signature of the Judge Advocate General, under date of March 8, which consisted of a general defense of the system and largely of a personal attack upon me. The Secretary of War gave this statement to the press, having arranged in the meantime for the fullest publicity. With all possible patience I prepared a statement pointing out the deficiencies of the system and my own attitude toward it, and asked the Secretary of War to give my communication the same publicity he had given his and that of the Judge Advocate General. This he declined to do, though this communication of mine afterwards appeared in the New York Times, but without any knowledge or connivance upon my part. In that communication I pointed out conduct upon the part of the Secretary of War and the Judge Advocate General in their relation to this subject that was clearly inconsistent with official or personal integrity, notwithstanding which both have ever since kept silent and taken no action, although I remained in the Army for nearly four months thereafter in order that I might continue amenable to such disciplinary action as they might choose to take. However, there was not one word in the communication that I had not previously spoken to the Secretary of War in person, and without denial from him, on the last night of February last.

Not content with this first statement which was given to the press, the chief of the propaganda section prepared the far more comprehensive defense contained in the letter signed by the Judge Advocate General in the document under discussion, between seventy and one hundred thousand copies of which were published and distributed to the lawyers and others throughout the country at public expense. The circumstances attending the publication of this document, when contrasted with contemporaneous representations of the Secretary of War, will mildly illustrate the character of the official methods employed throughout this controversy. This communication, though bearing date of March 10, was not authorized by the Secretary of War until March 26, and was not given to the public until April 9. In the meantime, on April 5, the Secretary of War had assured me in writing that he deprecated the public controversy and that it ought to stop on both sides, and cordially invited my cooperation in remedying the existing system. This assurance I accepted in good faith, only to find four days later this comprehensive publication launched against me and sent broadcast throughout the country.

An artful incident of the common authorship of the three communications is to be found in the fact that the author has the Secretary, in his letter of March 1, give strong and unqualified approval to the system of military justice and its results. But after reflection he has the Judge Advocate General, in his defense, concede many deficiencies and admit much injustice. He might also have taken the Secretary from such an exposed position. This letter, or defense, of the Judge Advocate General is designed to be the last word, the final avowment, upon the subject, the complete vindication of the system, its supporters, and the department, and to bring about the utter discomfiture of those who have criticized the existing system and have sought and are still seeking a better one.

The system can scarcely be stronger than this skillful representation of it would have it appear. If this representation is weak, the system may be presumed to be weaker still. I would have you first look into the strength of that representation for the moment, not as though it were factitious, but regarding it as of face value and indulging the presumption that it is an expression honestly arrived at and honestly entertained.

THE SECRETARY'S LETTER.

Please look at it. It is from the highest authority, from the chief guardian of the soldier's rights, who should have been watchful for any weaknesses in the system and sympathetic for all who suffered by them. It was his supreme duty to discover its deficiencies and to exert his power for progress and improvement. His letter, saved of its inconsistencies, consists entirely of prejudgment and expressions of satisfaction. This was his state of mind toward the code and the criticism made of it, and he would so express himself without making the slightest investigation. In his letter he first affects surprise at the complaints and resolutely expresses the "firmest determination that justice shall be done." But at once he says he does not believe the complaints and is convinced that injustice has not been done. He arrives at this conviction, he confesses, through the confidence he has in his Judge Advocate General and the faith that he has in the system. Then, observing that, though entirely satisfied himself, "it is highly important that the public mind should receive ample reassurance on the subject," he directs the Judge Advocate General to prepare a statement for that purpose. He does not withhold judgment upon the specific complaints and have them investigated; he does not direct an inquiry; he resents the complaints, sees in them an attack upon "the department and its representatives, who have not been in

a position to make any public defense or explanation and have refrained from doing so." His proclaimed purpose is not to determine the facts, but to assume them to be what he wants to believe them to be, and he calls for a statement, based upon that assumption, in order "to reassure the families of all these young men who had a place in our magnificent Army." You can understand his predicament, the necessity for loud asseveration to impress public opinion by assuring it and himself that all was well. It was necessary that he continue to repeat the unreasoned assertions that led to his commitment to the system in the early days of the war. Having committed himself to the views of those intent upon maintaining that system, it was necessary that ever afterwards he soothe his conscience by closing his ears to the cries of justice. Never thereafter would he hear me, an officer of rank, experience, and some repute, with a responsibility that placed me in immediate contact with the unjust results of that system. Holding their hands, he had taken the plunge, and to them he must look for safety. They told him that the department as a matter of law did not have, and as a matter of policy ought not to have, general supervisory power over courts-martial in questions of law, but that the views of the commander in the field should be final. When he denied the department that supervisory power he shut his eyes to his responsibility, he denied himself the opportunity to keep in touch with the administration of justice in the Army, and, relying upon a mere convention which had no basis in law, he turned his back upon the demands of justice and screened himself from its sufferings. He stands or falls with the system.

THE JUDGE ADVOCATE GENERAL'S DEFENSE.

His defense consists of blind professions of faith in the system, unreasonable assertions of its excellence, and a sympathetic appeal that they be believed in even as you would believe in him. It does him less than justice; it would have you believe that sheer cruelty of the system made him happier than Caligula's minion, whereas he is only blind to its cruelty. The statement does reveal his immovable mental attitude upon the subject, which was not to be unexpected. Trained to the line of the Army and not to the law, finding the work of his own department uncongenial, ever ambitious for a line command, orthodox in every military appreciation, he has, throughout his long years of service, taken not the judicial but the professional soldier's "rough-and-ready justice" point of view. He regards the system as so organically perfect and vital to military efficiency that even its form is to be touched only lightly. His mind has repelled all criticism of the system and is incapable of contemplating that it might be fundamentally and structurally wrong. This fixed mental attitude obtrudes throughout the statement. So addicted to regard the system with blind veneration he can never perceive its wretched incongruity as an American institution. He refers to his "firm belief in the merits and high standards of our system of military law." He asserts his vital interest "in vindicating the honor of the Army and War Department as involved in the maintenance of that system." At every point he declares the inherent superiority of courts-martial to the civil system. He resents even those criticisms based upon specific instances of injustice, since "they are calculated to undermine unjustly and needlessly the public confidence in that system." He would have the people "know confidently and take pride in the fact that we possess a genuine and adequate system of military justice." He takes "consolation in believing that if the public at large and particularly the families of those men who have been subjected to military discipline during the past two years could realize the thoroughness of this system they would feel entirely satisfied that the system is calculated in its methods to secure ultimate justice for every man." He refers to some futile proposals of his affecting military justice as tending to show that his attitude "has been an advanced one, at least in comparison to others whose authority was superior to mine at the time." He refers to his own career as Judge Advocate General "as demonstrating that it is inherently improbable that any state of things, even remotely justifying some of the extreme epithets recently used in public criticism, could have existed in our Army during the last two years." These expressions alone reflect a stagnant mental pool.

HIS STANDARDS OF JUSTICE.

The Judge Advocate General asserts that he was actuated by the spirit of justice throughout this war, and that he has not been satisfied with anything less than the highest standards of justice. Doubtless swayed by the demands of discipline as he understood them, he did not deliberately do what he knew to be unjust. It is simply a matter of standard of appreciation. He insisted, however, upon maintaining the system unmodified, and the system has led, was leading, and might have been expected to lead to the grossest injustice. Let us examine his standards as illustrated by the very cases used by him.

(a) The case of the Texas "mutineers." In that case certain old noncommissioned officers of the Regular Army had been subjected to the tyrannous and lawless conduct of a superior officer. Their innocence is conceded. They acted well within their rights in quietly refusing to submit to a palpably unlawful command, and for that refusal they were tried and found guilty of mutiny and sentenced to dishonorable discharge and imprisonment for terms from 10 to 25 years. In this case officers, not men, should have been tried. The trial in its entirety was illegal; the substantial rights of the men were at no point protected; and yet this procedure received the approval of the entire military hierarchy, capped by a major general who approved the sentence and dismissed the men. The Judge Advocate General protected the officers over my protest and denied justice to the men. That was the first case of gross injustice to come to the office after I became its head in August, 1917. I and my associates in the office knew that there would be many like it during the war. The Judge Advocate General admits that this was a "genuine case of injustice" and that it "illustrates the occasional possibility of the military spirit of discipline overshadowing the sense of law and justice." The military minds of the War Department conceded the injustice, conceded the illegality of the proceeding if it could be reviewed for error, but contended that the approval of the major general in command was final and placed the judgment of the court, whether legal or illegal, beyond all power of review. This case presents the crux of the entire difficulty and reveals the fundamental deficiency of the entire system. Courts-martial are controlled not by law but by the power of military command. I held that this could not be, and deduced the authority to review the judgments of courts-martial for errors of law out of existing statutes enacted during the Civil War for the very purpose, statutes which the War Department and compliant Judge Advocate Generals had permitted to become obsolete. The present Judge Advocate General, though he had relinquished all control of his office to become Provost Marshal General, returned to the department and filed an overruling opinion, which the Secretary of War was induced to approve. That opinion established the law for the department that the judgments of courts-martial once approved by the convening authority, however erroneous they may be when tested by legal principles, are beyond all power of legal review and correction. This case presented no more illegality than thousands of others that have since been tried. Clemency was resorted to in that case and the unexecuted punishment remitted, though the men themselves, excellent soldiers of long service, had been branded as mutineers and expelled from the Army in disgrace. Clemency has been resorted to in all such cases as a means of curing, as best it can, the injustice resulting from illegal trials that must go uncorrected. Mercy is given for offenses never committed, and pardon is used where judgments are illegal and should be reversed. This accounts for the wholesale clemency in which the department is indulging. The Judge Advocate General, in order to protect the power of military command, opened the gates to all the injustice of this war. His view was injected into the question. He overruled the opinion of the entire department, consisting of 12 eminent lawyers from civil life, but he succeeded in maintaining supreme the power of military command over military judicial functions. It was under such ruling that the same commanding general in Texas was permitted to hang a half score of negro soldiers immediately upon the completion of the trial and before the records had been reviewed or had even been dispatched from his headquarters to the Judge Advocate General of the Army for whatever revision the statute might be thought by him to require. In those cases the Judge Advocate General, as a result of his construction, engaged in the futile task of "reviewing" the proceedings four months after the accused men had been hanged.

(b) "Burglary" case, No. 110595. This is another case used to illustrate the beneficence of the system. This accused was charged with burglary, and at the end of the trial the court acquitted him. But the commanding general disagreed. He ordered the court to reconvene, and told it that the evidence, to say the least, looked "very incriminatory." The court upon reconsideration as ordered found the accused guilty and sentenced him to be dishonorably discharged and to confinement at hard labor for five years. The Judge Advocate General, in his statement, says: "His (the accused) story was disbelieved and he was found guilty." This is not true; his story was believed and he was acquitted, and it was not until the camp commander ordered a reconsideration that the court convicted him. The Judge Advocate General further says:

This office reached the opinion that though there was sufficient evidence to sustain the finding, the evidence did not go so far as to show his guilt beyond a reasonable doubt.

A lawyer would be expected to suppose that in a criminal case the evidence in order to be sufficient must be such as to convince the court beyond a reasonable doubt of the guilt of the accused. However, the record shows that the office of the Judge Advocate General said in the review of this case:

After careful consideration of the evidence, this office is firmly convinced of the absolute innocence of the accused.

As indicating a lack of power in the Judge Advocate General's office to give effect to a conclusion of this sort, a copy of the review was addressed to the camp commander "in order that the reviewing authority may have the benefit of the study referred to."

The Judge Advocate General's report also says:

In such a situation no supreme court in the United States would interfere and set aside a jury's verdict. Nevertheless this office recommended a reconsideration of the verdict by the reviewing authority.

The great fact to be noted is that such a case as this would never have come to any appellate court, because the original acquittal could never have been set aside. And if the case could have gone to any appellate court upon evidence as weak as this, after a fair jury had once found an acquittal, there could never be any doubt about what action the court would take. However, the office of the Judge Advocate General did not recommend the reconsideration of the verdict by the reviewing authority. It only expressed its own serious doubt and referred its "study" to the reviewing authority "for such consideration as he may deem advisable to give it." This case well represents the whole difficulty due to the lack of authority in the office of the Judge Advocate General to do more than present "studies."

Gen. Crowder's defense says:

It (the verdict) was, in fact, reconsidered; but the court adhered to its finding.

This is not true. After the Judge Advocate General's office had "studied" the case it never went back to the court. The "study" was simply sent to the reviewing authority and the court never had any opportunity to see that "study."

The Judge Advocate General's report says:

But the feature for emphatic notice is that reconsideration was given, not by exercising the "arbitrary discretion of a military commander" but by referring the case to the judge advocate of the command as legal adviser.

The judge advocate wrote an elaborate review of the evidence, disagreeing with the view of the Judge Advocate General. This illustrates the necessity for final power in the office of the Judge Advocate General. It is to be noted here (1) that the judge advocate who made the elaborate review was the same judge advocate that recommended trial in the first instance; (2) he was the officer on the staff of the camp commander who ordered the trial and who insisted on a conviction instead of an acquittal; (3) to show his bias, he undertakes to say in his review that the court could not have been influenced by the camp commander when it was instructed by him to change its findings from not guilty to guilty; (4) he himself says that he believed that the court was impressed with the "ring of sincerity" of the case when it first voted his acquittal of the charges, and added that he himself was so impressed when he first preliminarily examined the case; (5) the judge advocate's review consists of a belabored argument of 18 pages and is supplemented by a semipersonal note to the Judge Advocate General insisting upon the guilt of the accused. This is a good example of the fact that under the present law judge advocates do not consider themselves as judicial officers at all, but simply as staff officers supporting the views of the camp commander; nor do they consider the office of the Judge Advocate General as a judicial office, for such a relation would bar such semipersonal correspondence. Moreover, this review speaks many times, in what amounts to a slurring manner, of the "study" made by the Judge Advocate General.

The Judge Advocate General's report further says that this reconsideration on the point of proof beyond a reasonable doubt "was a measure of protection which the law does not provide in any civil court for the control of a jury's verdict." As indicated before, the verdict of the jury would have promptly acquitted this man. There would have been no occasion to review it. If a case should get to an appellate court in which the evidence was so weak as to result first in an acquittal, and then required military direction to change it to a conviction, and then two superior reviewing judge advocates pronounced the evidence insufficient to sustain the finding, nobody can have any doubt what a court of appeals would do.

The Judge Advocate General's defense says:

The case is a good illustration of the feature in which the system of military justice sometimes does even more for the accused than a system of civil justice.

This should be admitted. It does do more. It does it hard and a plenty.

It may be well to add that since the Chamberlain speech was made the justice of the sentence in this case has been re-examined in the office of the Judge Advocate General upon an application for clemency, and as a result Gen. Crowder, on February 12, 1919, recommended that the unexecuted portion of the sentence be remitted and that the prisoner be released and restored to duty. This recommendation contains the ironical statement that the accused had served nearly one year of his sentence. Here is also a strange admission in the general's memorandum:

This office is strongly of the opinion that injustice may have been done to this man, and that it should be righted now so far as possible.

It is a remarkable coincidence that Gen. Crowder signed this memorandum on the same day that he signed his defense in which he vigorously contends for the rightful results of the case.

(c) The four death cases from France: The next cases cited by the Judge Advocate General as illustrating the justice with which the system meets "the stern necessities of war discipline" were four death sentences from France in the cases of four 18-year-old boys, who had volunteered at the beginning of the war—Nos. 110753, 110754, and the companion cases, 110751 and 110752. These were the first death sentences received from France. In the first two the death penalty was awarded for a charge of sleeping upon post, and in the last two for refusal to go to drill. The trials were legal farces, as any lawyer who will look at the records will see. In each of two of the cases the trial consumed about three-quarters of an hour, and the record occupies less than four loosely typewritten pages. The other two consumed slightly more time, and resulted in a slightly larger record. The courts were not properly composed and in two of the cases were clearly disqualified. The accused were virtually denied the assistance of counsel and the right of defense. A second lieutenant as counsel made no effort to assist. That they were hindered rather than helped in their defense by counsel is demonstrated by the fact that in the case where a plea of guilty was entered the sole effort of counsel consisted of his calling a witness and asking him this question:

Q. Was the accused's record good up to this time?—A. It was not. It is one of the worst in the company.

Two pleaded guilty to a capital offense and the other two made not the slightest fight for their lives. Even if the men had been properly tried and convicted, no just judge could have awarded the death penalty. These young soldiers had been driven to the point of extreme exhaustion. At the time of commission of the offenses, the military authorities evidently regarded them lightly. The two who were charged with sleeping on post were not relieved from post nor were they arrested or accused for 10 days thereafter, and the two who were charged with refusal to go to drill were not arrested or charged for a month thereafter. But at this juncture the authorities abruptly changed their policy, and decided to make an example of these men. Gen. Pershing, who under the law had nothing whatever to do with these cases, injected his power and authority into the course of justice, clamored for the death penalty, and asked that the cable be used to transmit to him the mandate of death.

According to the Judge Advocate General, Gen. Pershing urged the adoption of the inexorable policy of awarding the death penalty in all cases of sleeping on post, and he insists that no one should be criticized for agreeing with this policy or acceding to Gen. Pershing's urgent request. And then the Judge Advocate General makes this surprising statement:

I myself, as you know, was at first disposed to defer to the urgent recommendation of Gen. Pershing, but continued reflection caused me to withdraw from that extreme view, and some days before the case was presented for your final action the record contained a recommendation from me pointing in the direction of clemency.

The record shows an entirely different attitude. It shows that on March 29 to April 4 Gen. Crowder wrote the reviews in these cases, but did not as yet conclude them with his recommendation. On April 5 he sent them to Gen. March in this unfinished state, accompanied by a letter in which, while indicating that by right and justice these boys ought not to die, he suggested, nevertheless, that since Gen. Pershing insisted upon the death penalty the department should uphold him and present a united front to the President. He asked for a conference with the Chief of Staff in order that there might be unanimity in the department to that end. Here is his language:

You will notice that I have not finished the review by embodying a definite recommendation.

It would be unfortunate indeed if the War Department did not have one mind about these cases. There is no question that the records were legally sufficient to sustain the findings and sentence. There is a very large question in my mind as to whether clemency should be

extended. Undoubtedly Gen. Pershing will think if we extend clemency that we have not sustained him in a matter in which he has made a very explicit recommendation.

May we have a conference at an early date?

He did confer with Gen. March, and they agreed to present the united front, to uphold the hands of Gen. Pershing, and to recommend the execution of the sentence of death. On April 6 Gen. Crowder brought back from his conference with the Chief of Staff the unfinished reviews and immediately concluded them by adding to them the following recommendation:

I recommend that the sentences be confirmed and carried into execution. With this in view there is herewith inclosed for your signature a letter transmitting the record to the President for his action thereon, together with an Executive order designed to carry this recommendation into effect should such action meet with your approval.

(Signed) E. H. CROWDER,
Judge Advocate General.

Gen. Crowder says that he was "disposed to defer" to the urgent recommendation of Gen. Pershing, but the record shows that he did defer.

The record also contradicts his statement that—

continued reflection caused me to withdraw from that extreme view, and some days before the case was presented for your final action the record contained a recommendation from me pointing in the direction of clemency.

And the record also disproves his statement that after an examination by several of the most experienced judge advocates of his staff "no reversible error was found, and there was no doubt of the facts in either case, the only issue in the cases being the severity of the sentences." The record shows that on April 15 I, accidentally hearing about these cases, filed a memorandum in which I pointed out with all the power within me not only reversible error, but annihilating error, and urged that these sentences be set aside and these young soldiers be not executed. And three other judge advocates expressed full concurrence in my views. The record further shows that on April 10 still another judge advocate of high rank, whom Gen. Crowder esteems as a splendid lawyer and who supports the general's views on military justice, filed with him a long memorandum to the effect that these trials were a tragic farce and concluded that—

it will be difficult to defend or justify the execution of these death sentences by way of punishment or upon any ground other than that as a matter of pure military expediency some one should be executed for the moral effect such action shall have upon the other soldiers.

These memoranda the general did not forward to superior authority, but the record shows that upon reading them and "upon continued reflection" the next day, April 16, he addressed a memorandum to Gen. March, which began as follows:

Since our interview on the four cases from France, involving the death sentences, at which interview we agreed that we would submit the cases with the recommendation that the sentences be carried into execution, my attention has been invited to certain facts of which I had no knowledge at the time of the interview and to which I think your attention should have been invited.

He then sets out some, but by no means all, of the facts of these memoranda, simply passing them on to the Chief of Staff "for his information." He did not deem them sufficient to modify his own conclusion or his agreement with the Chief of Staff, for near the close of the memorandum he expressly declared that he submits them without any desire "to reopen the case," and he then concludes as follows:

It will not have escaped your notice that Gen. Pershing has no office of review in these cases. He seems to have required that these cases be sent to him for the purpose of putting on the record an expression of his views that all four men should be placed before the firing squad. I do not make this statement for the purpose of criticizing his action—indeed, I sympathize with it—but it is fair in the consideration of the action to be taken here to bear in mind the fact that Gen. Pershing was not functioning as a reviewing officer with any official relation to the prosecution, but as commanding general, anxious to maintain the discipline of his command.

(Signed) E. H. CROWDER,
Judge Advocate General.

No case could furnish better evidence of what happens when the chief judicial officer of the Army is subject to the power of military command, is "supervised" by it, and must rely upon it for his appointment to and retention in office; and the fact that these men did not die, as the military hierarchy would have had them die, was not due to the Judge Advocate General of the Army; and the fact that they came perilously close to an unlawful death and were deprived of protection for themselves, and have been unlawfully subjected to penitentiary servitude, was due to the Judge Advocate General of the Army.

When Gen. Crowder first replied to the Chamberlain criticism and my own, he made reference to other cases, which he deemed to be beyond criticism and illustrative of the justice of the system, which he now significantly omits. I will supply them:

(d) John Schroeder, Machine Gun Company, One hundred and fifty-sixth Infantry, was convicted of absconding himself without

leave from May 9 to 15, when his command was about to embark for overseas service. The gravamen of this offense is obviously the intention to avoid overseas service, as pointed out in the Crowder report, by the division judge advocate, and by Gen. Hodges, who, in his review of June 19, 1918, congratulated the court "in adjudging an adequate sentence and thereby demonstrating its disapproval of an act of a soldier's absents himself" without permission immediately following his designation for overseas service. This, of course, is one of the most serious offenses, notwithstanding which the accused, represented by an inexperienced first lieutenant as counsel, pleaded guilty; and it is also shown that while without counsel he was approached by an investigating officer, who reported that "the accused declines to make a statement, but says that he will plead guilty," indicating that there was some inducement for the plea. The accused, however, at the trial and after his plea of guilty, stated under oath that he went home for the purpose of seeing a sick mother, and, besides, that he did not know that the company was going abroad and had never been informed of that fact. This statement, absolutely inconsistent with his plea, required the entry of a plea of "not guilty" and a trial of the general issue. There being no evidence whatever to show that the accused was informed that his company was going abroad, the court should have taken the statement of the accused as true and acquitted him. This is an excellent example of a meaningless trial. The accused had no counsel worthy of the name; he did not appreciate nor was he advised of the gist of the offense; he made an ill-advised and uncomprehending plea of guilty, and then made statements absolutely inconsistent with his plea, all of which went unnoticed and resulted in his being sentenced to be dishonorably discharged and to be confined at hard labor for 25 years.

(e) No. 106800 is a sort of companion case to the immediately preceding one. The gist of the offense, here as there, is to be found in the intention to escape overseas service. This accused was also defended by worse than no counsel. The whole proceeding is invalid for the reason that the court disposed of it as though the accused had entered a plea of guilty, whereas he pleaded "to the specification, not guilty; to the charge, guilty." The important part of the plea is, of course, the plea to the specification, the plea to the charge being mere form and may be ignored.

This being a plea of not guilty, the accused should have been tried accordingly. As showing the lax method of the court, even on an assumption of a valid plea of guilty, the accused made a sworn statement absolutely inconsistent with his plea, saying that he did not know and had not been informed that he was ordered to overseas service. He was sentenced to 15 years confinement, and the court was commended, as in the previous case.

(f) No. 114717 was a charge of sleeping on post, in this country, and a plea of guilty. The accused, referred to as "but a little kid," was said to have been found asleep by a lieutenant. This was a capital crime in which the accused, but 17 years old, was permitted by inexperienced counsel to plead guilty, for which he was sentenced to 10 years. The whole proceeding occupies seven pages of loosely twopewritten matter double spaced. The court submitted a recommendation for clemency, asking for a reduction of the sentence on the ground that inasmuch as the accused had pleaded guilty they had been reluctant but compelled to give him a sentence commensurate with the offense, and also on the ground of his youth.

(g) No. 113076. This is a case in which Gen. Crowder contended that the sentinel had been drinking whisky before going on guard and that, having been found asleep thereafter, the case was plainly one for severest exemplary punishment. It is passing strange how justice can hurdle the salient point that an example ought to have been made not so much of the man as of an officer who in violation of regulations and common sense will post as a sentinel a man who had obviously been drinking.

These cases—and there are thousands like them in point of illegality and injustice—are sufficient to show what the Judge Advocate General terms "the general state of things in the administration of military justice."

HIS SPECIFIC CONTENTIONS.

(1) He contends that courts-martial procedure is in accordance with the "rigid limitations of the criminal code" and not according to the arbitrary discretion of the commanding officer.

There are no "rigid limitations" of the code. That is the trouble. The military code is worthy of the name of law only in the sense that any absolute and unregulated power established by law is worthy of it. Congress has authorized military power to do as it pleases in the exercise of this highly

penal jurisdiction. Look at the articles from first to last. Is there a word to regulate the preferring of the charge, the arrest, the sufficiency of the charge, the rights of the accused before, at, and after trial? Is there any standard of law to which the court-martial procedure must conform? Is there a single provision for the legal ascertainment of errors and the correction of them? None. All this is committed not to law but to the power of military command. The power of military command determines whether or not there is reasonable ground to believe that the offense has been committed and that the accused committed it. Military power determines whether there is a *prima facie* case. Military power selects the judges. Military power selects such counsel as the accused may have. Military power determines the legal sufficiency of the charge. Military power determines the kind and competency and sufficiency of proof. Military power passes finally upon every question of law that can arise in the progress of the trial. And military power finally passes upon the legality of the judgment and the entire proceedings. This is one code, criminal in character, that does not recognize principles of law and does not contemplate the services of a single man skilled in the law. Thus there is no standard by which error may be determined except the view of the commanding general. Whatever he determines is right is right, and whatever he determines is wrong is wrong, by virtue of his determination alone. Under such a system, of course, there can be no such thing as error of law; there can only be a variation from whatever the commanding general believes to be right. And from his decision there is no appeal. There is no power on earth to review his decision with authority to say that it is wrong as a matter of law.

And should not a criminal code define the offenses and prescribe the penalties, if it is worthy of the name of law? Look at the code. There are 29 punitive articles. Not one of them defines any offense. The definition is to be found in the common law military, or what military men conceive to be the customs of the service. Not one of them prescribes the penalty.

The court-martial is authorized to award any punishment it pleases. Twenty-nine of these articles conclude by each declaring that the offense punishable therein shall be punished "as the court-martial may direct," which means any punishment less than death. Eleven of them authorize any punishment "that a court-martial may direct, including death," and two of them mandatorily prescribe death. Why should there not have been shocking punishments, shocking both because of their harshness and because of their senseless variations, when courts-martial have unlimited authority to punish as they please? I myself can not conceive that lawyers believe in such delegations of legislative power, either on principle or as a matter of policy. True it is that in times of peace Congress has authorized the President, if he sees fit, to prescribe certain maximum punishments, thus limiting the discretion of courts-martial. This is, nevertheless, an unwise if not an unlawful delegation, inasmuch as a matter of practical administration the military authorities, and not the President, prescribe such limits. Its only effect is to transfer the unlimited power of prescribing the punishment from the several courts-martial to a single military authority of the War Department. It is equally an abdication by Congress itself to prescribe the offense and the punishment.

Does the code contemplate the participation of a single lawyer? Of course lawyers are used in the system. During this war we had a large corps of judge advocates. But they are without authority. They were upon the staff of the commanding general, and like all other staff officers are to do his bidding and be governed by him. No distinction is made between the legal staff and the purely military or administrative staff. It is presumed that the commanding general is as competent in the field of law as he is in the field of tactics, and as a general rule the word of his legal staff officer means little to him. The authority is the authority of the commanding general. Congress has conferred it upon him, and we may expect a military man, of all men, to exercise it. Lawyers are like other ordinary human beings. They are dependent upon the commanding general for advancement and recognition and professional success in the Army. Having no power and authority of his own, a lawyer may not be expected to do other than support the view of his commanding general as best he can, whether right or wrong. Indeed, that he should do so is one of the tenets of the military profession. There is but one will—that is the will of the commanding general. I have seen lawyers placed in this position abuse themselves in the face of military authority to the point where one would incline to doubt whether they had not abandoned their professional principles altogether. A member of

the Board of Review appearing before the committee of the American Bar Association recently made the following statement:

While in many cases the trials of enlisted men are not so elaborate as the trials of officers, and in many cases the rules of evidence are not observed and counsel is obviously inadequate, while in a considerable percentage of cases we find that the decision is not sustained by the fact, still I do not recall a single case in which morally we were not convinced that the accused was guilty.

And in this statement other judge advocates concurred. Verily they have received their reward. Such a statement shows to what extent subjection to the power of military command deflects legal judgments, imposes itself upon professional appreciations, and obscures those first principles which are normally regarded as the foundation stones of the temple of justice. The last man in the world to be expected to prefer his personal impression of moral guilt to guilt duly adjudged, his own judgment to the judgment of a court of law, should be the lawyer. Think a moment what it means for a lawyer sitting in a judicial capacity to say:

We find the soldier has not been well tried; we find that the rules of evidence were transgressed in his case; we find that he had not the substantial assistance of counsel; we even find that the decision was not sustained by the facts of record; yet we are morally convinced that the accused was guilty, so let him be punished.

That means something worse than injustice to the accused; that is the argument of the mob; that is the road to anarchy. I myself prefer the statement made by Warren, in answering the same contention in the British Army nearly 90 years ago:

It concerns the safety of all citizens alike that legal guilt should be made the sole condition for legal punishment; for legal guilt rightly understood is nothing but moral guilt ascertained according to those rules of trial which experience and regulation have combined to suggest for the security of the State at large. * * * They (these fundamental principles of our law) have, nevertheless, been lost sight of and with a disastrous effect by the military authorities conducting and supporting the validity of the proceedings about to be brought before your majesty.

And the chief of all judge advocates, the Judge Advocate General himself, is also subject to this military power at its very height. He himself has not one particle of authority; he also may advise and recommend to the Chief of Staff, the highest exponent of military authority. By statute the Judge Advocate General is placed under the "supervision" of the Chief of Staff; by the statute also the Judge Advocate General will hold office for a term of four years unless sooner relieved or unless reappointed. He is subject to the supervision, power, and control of the Chief of Staff just as is the chief of the department that issues the rations, supplies, and matériel, or makes a military plan. His retention of office depends upon the approving judgment of the Chief of Staff. Such a man can not be independent, and in the end must be influenced by what the military authorities would have him do. That this is so is observable daily.

From top to bottom the administration of military justice is not governed by the rigid limitations of the code, but by the rigid powers of military command.

It is to be noted that throughout his defense the Judge Advocate General claims that the punishments have been comparatively light, since the code imposed no limit. The code should limit punishment. The difficulty is it does not.

(2) He contends that the code is modern and enlightened.

He admits that prior to his "revision" of 1916, it was the British code of 1774, and I say that his "revision" did not revise, and that we still have the British code of 1774, itself of even more ancient origin. The best proof that our present articles are organically the British articles of 1774 is to be found by comparing the two. The next best evidence is to be had out of the mouths of the highest officials who proposed the so-called revision of 1916, now relied upon as a complete modernization of the old British code. The British code was adopted under the exigency of the Revolution, and John Adams, the chief instrument in securing the adoption, attributed his surprising success to that emergent situation. There were few minor changes made during the Revolution, and up to the so-called code of 1806. In his statement to the Military Committee, the Judge Advocate General on May 14, 1912, said:

As our code existed, it was substantially the same as the code of 1806.

And he also showed that the code of 1806 was substantially the code of 1774. Of this code of 1806, he said:

The 1806 code was a reenactment of the articles in force during the Revolutionary War period, with only such modifications as were necessary to adapt them to the Constitution of the United States.

The modifications that were deemed necessary were simply such modifications as were necessary to make the articles fit into the mere machinery of our Government, and introduced

the requisite terminology therefor. Speaking of his so-called revision of 1916, the Judge Advocate General said:

It is thus accurate to say that during the long interval between 1806 and 1912—106 years—our military code has undergone no change except that which has been accomplished by piecemeal amendment. Of the 101 articles which made up the code of 1806, 87 survive in the present code unchanged, and most of the remainder without substantial change. Meanwhile, the British articles from which, as we have seen, these articles were largely taken, has been, mainly through the medium of the army annual act, revised almost out of recognition, indicating that the Government with which it originated has recognized its inadaptability to modern service conditions.

The so-called revision of 1916 was only a verbal one and not an organic revision. This a comparison with the code as it previously existed will demonstrate. The proponents of the revision themselves so stated; they did not contemplate the making of a single fundamental change. This was clearly shown in the letter of the Secretary of War to the Committee on Military Affairs under date of May 18, 1912, and it is equally clearly shown by the letter of the Judge Advocate General submitting the project, in which he described "the more important changes sought to be made" as those of "arrangement and classification." Nobody, either the Judge Advocate General, the Secretary of War, or either committee of Congress, has ever regarded the project of 1916 as a substantial revision. The Judge Advocate General took occasion to deny that it was anything but a restatement of existing law for the sake of convenience and clarity. He himself pledged the committee—

If Congress enacts this revision, the service will not be cognizant of any material changes in the procedure, and courts will function much the same as heretofore.

Such revision as was made made the structure rest even more firmly upon the principles that courts-martial are absolutely subject to the power of military command.

(3) He contends that the commanding officer may not put a man on trial without a preliminary hearing into the probability of the charge.

Notice, he does not say the code requires such hearing, but that regulations and orders of the War Department do. Therein lies the deficiency. Law is a rule established by a common superior, and as between the man to be tried and the officer ordering his trial such a regulation is not law. It establishes no right. Its only sanction is in the authority that issued it. It may be inadequate, ignored, disobeyed, modified, revoked, or its violation waived without involving the rights of the man to be tried. As a matter of fact well known in the Army, such preliminary investigation as is prescribed is as a rule perfunctorily made. It must not be presumed to be very thorough when 96 per cent of all charges drawn are ordered for trial. The failure to provide for an investigation whereby it shall be legally determined that there is a prima facie case is at the origin of the great number of trials and is therefore the source of much of the injustice.

Any officer can prefer charges against any enlisted man by virtue of his official status alone. The Judge Advocate General says that the Army follows the Anglo-American system of filing an information by a prosecuting officer. Of course not. Any officer may prefer charges. He acts under no special requirement or sense of obligation. The Judge Advocate General naively says that "this protection is invariable." Would you call it a protection if every man under the sun standing one degree above you in wealth or social position or official position had the power to indict you or inform against you and subject you to a criminal trial? Would you agree that even every civil officer in the land should have such a power over a civilian? And yet, every Army officer has that power by virtue of his office alone.

(4) He insists that there have not been too many trials; indeed, that there have been comparatively few.

He admits that in the year preceding the armistice there were 28,000 general courts-martial and 340,000 inferior courts. He uses 4,000,000 as the size of the Army during the period, whereas the average for the period was, of course, less than 2,000,000. Applying the ratio of Army trials to the population of the United States, you would have 1,500,000 felonies and 19,000,000 misdemeanors tried annually. Comparison will also show that we tried seven times as many men per thousand per year as either France or England. He takes great consolation in the fact that the percentage of trials was smaller in the war Army than in the old Regular Army. That is true, but a cause for shame, not consolation. The system as applied to the Army in peace was intolerable. General courts-martial in the Regular Army averaged six per hundred men per annum. Applying the Regular Army ratio of trials to the National Army, the result would have been for the year mentioned 120,000 general courts-martial

and 1,500,000 inferior courts-martial, surely a number that would have destroyed any army.

The Judge Advocate General and the War Department now say that the injustices revealed during the war have been due largely to the new officer. Quite the contrary. The records show that the new officer, bringing into the Army his civilian sense of justice, has preferred and ordered fewer courts-martial than the regular. It must be remembered also that the old experienced Regular Army officers have been the officers with the authority to convene general courts-martial and approve the punishments awarded by them. They are therefore responsible.

In any event, inasmuch as our wars are to be fought by citizen soldiers, no system ought to be maintained that must inevitably result in injustice by reason of the inexperience of the men.

(5) He contends that our officers are sufficiently grounded in the law to be military judges.

This, again, is a matter of standards. It may be informative to point out the inconsistency between the statement that the new officers are responsible for the deficiencies of the administration of military justice developed during the war and the contention that they are competent military judges. Of course, they are not competent as judges. A case before a court-martial involves the entire criminal law. Courts-martial are judge as well as jury. His regard for the judicial requisites can be properly appreciated in view of his argument that the study of the brief course in the elements of law at West Point or of the course, by the new officers, in the three months' training camp is sufficient "to insure an acquaintance with the law by the members of a court-martial."

In any event, he says, the deficiencies of the trial court will find their corrective supplement in the reviewing judge advocate—one system of legal mechanics that stands the pyramid on its pinnacle.

(6) He contends that the judge advocate does not combine the incompatible function of prosecutor, adviser of the court, and defender of the accused.

The law and universal practice are otherwise. The judge advocate shall prosecute in the name of the United States (art. 17). If accused is not represented, the judge advocate shall, throughout the proceedings, advise him of his legal rights (art. 17). This is defined to be the substantial duty of counsel (par. 96, M. C. M.). The judge advocate is the legal adviser of the court (par. 99, M. C. M.). There are cases in which a single officer set a trap for the accused, was the prosecuting witness, was appointed judge advocate to prosecute the case, and, besides, was also specially detailed as counsel for the accused, and performed all functions. For such an instance, see case of Pvt. Claud Bates, in which, when I pointed out these inconsistencies, the commanding general complained I was "trying to break up our court-martial system."

(7) He resents the criticism that second lieutenants, knowing nothing of law and less of court-martial procedure, are assigned to the defense of enlisted men charged with capital or other serious offenses.

He admits, however, that in an examination of 20 cases a lieutenant appeared as counsel in 13 of them. I can go further and say that in an examination of 5,000 cases lieutenants of but few months' experience appeared in 3,871, or 77 per cent of them. This was perfectly natural; under the system of administration the duty of counsel is an irksome one, imposed upon those who have not enough rank and standing to avoid it. He also contends that all officers are properly equipped to perform the duties of counsel, by reason of the fact, already stated, "that graduates of every training camp have studied and passed an examination upon the Manual for Courts-Martial, and therefore the above criticism is upon its face unfounded." He also finds that after officers of rank and experience have been assigned as members of the court and as judge advocate it is not feasible to find legally qualified officers to act as counsel. "No one," he says, "who has any acquaintance at all with conditions in the theater of war would suppose for a moment that this is practicable." He then dismisses the whole subject by saying that, no matter how incompetent is counsel, he finds in the scrutiny subsequently given the cases "the most satisfactory assurance that such deficiencies as may from time to time occur through the inexperience of officers assigned for the defense have been adequately cured." It might be remarked that it is a rather sad criticism of any judicial system that it regards military rank as the main assurance of efficiency.

(8) He is inclined to resist the view that improvident pleas of guilty are received from those charged with capital crimes.

He says the percentage of such pleas is a small one; and so it should be hoped, although such pleas are known to be surprisingly frequent. As an argument to offset the inference of resultant injustice, he relies upon "the common instincts of fairness

and justice of the officers taken recently from civilian life to sit upon the courts as judges." It is interesting to note that shortly before this, in a public address before the bar of Chicago, the Judge Advocate General attributed the harshness of the system to the inexperience of the new officers, as follows:

Undoubtedly there are things wrong with the administration of military justice. We have brought over 100,000 officers into the Military Establishment of the United States within the brief space of a year. Their commissions are their credentials to sit in the courts and administer justice, and it would be strange, indeed, if there were not a number of cases in which a disproportionate punishment is given.

(9) He admits that commanding generals return acquittals to the courts with directions to reconsider them.

He thinks, however, that "the very object of this institution is to secure the due application of the law," and he adds: "My own experience in the field can recall more than one case in which the verdict of acquittal was notoriously unsound, and in which the action of the commanding general in returning the case furnished a needed opportunity for doing full justice in the case." He finds "that this power is a useful one, and that it is not in fact in any appreciable number of cases so exercised as to amount to abuse of the commanding general's military prestige." He finds that out of 1,000 cases there are only 95 acquittals, anyway, and he says:

Of these 95 acquittals 39 were returned only for formal correction; of the remaining 56 the court adhered to its original judgment in 38 cases, and in only 18 cases was the judgment of acquittal revoked upon reconsideration and the accused found guilty of any offense.

Though of every 95 acquittals 18 are changed into convictions by the direction of the commanding general, this he considers negligible. This leaves only 77 acquittals out of a thousand tried. Out of deference to unreasonable public opinion, however, he would recommend a change to accord with "the British practice," which he regards as the limit of liberality.

(10) He contends that under all the circumstances the sentences imposed by courts-martial are not, as a rule, excessively severe.

He indicates clearly that we would have profited by "keeping in mind the solemn and terrible warning recorded expressly for our benefit by Brig. Gen. Oakes," in the Civil War, that the inexorable attitude of shooting all deserters would prove merciful in the end, and argues that inasmuch as we did not adopt that policy we should not be "reproached for severity." Dealing with the offense of absence without leave, he would have us believe that "this offense is in many cases virtually the offense of an actual desertion," whereas exactly the opposite is true. The records will show that absence without leave is more frequently than otherwise charged as desertion, since in cases of "doubt" the higher offense is always charged; besides, several commanding officers ordered that all absences even for a few days be charged and tried as desertion. There has been no greater source of injustice than the indiscriminate treatment of absence without leave as desertion and the procurement of convictions accordingly. Along the same line the Judge Advocate General argues that disobedience of orders is always to be punished most severely without regard to the kind or materiality of the order, and he asserts that the disintegration of the Russian Army was due not to age-long tyranny or oppression or reaction, or any other like cause, but entirely to a failure to treat "disobedience in small things and great alike."

Finally, however, after much argument, he concedes that these sentences were long, but justifies them on the ground that "the code prescribes no minimum" and on the further ground "that probably none of these officers (who pronounce sentences) supposed for a moment that these long terms would actually be served"; and he reminds us that there has already been a 90 per cent reduction. He ignores the fact that whether such sentences were or were not intended to be served, they greatly outraged justice. If intended to be served, they abused justice; if not so intended, they mocked it. He says "nobody intended they should be served," which, as one writer has recently put it, is "like hanging up a scarecrow to frighten the birds, that does not scare them as soon as they learn that it is a sham, and then use it to rest on."

(12) He admits that the sentences of courts-martial are very variable for the same offense.

He delights in the fact, however, that "this very matter of variation in sentences is one of the triumphs of modern criminal law," and finds virtue in a situation that gives courts-martial "full play for the adaptation of the sentences to the individual case." A court should have sufficient latitude to make the sentence fit the offense, but I had not supposed that this "modern triumph" would authorize any court—not even a court-martial possessing the virtue of being untrained, unlettered, and unskilled in the administration of justice—to punish an offense.

however trivial, "as it may direct," with life imprisonment or death, if it pleases.

(13) He denies that the Judge Advocate General's office partakes in the attitude of severity.

His defense speaks rather loudly for itself. I must be permitted to say this: Every organ of that office designed to secure correctness of court-martial procedure or moderation of sentences—which now he calls so effectively to his aid—was instituted by me and by me alone. Without any authority from or help of the War Department or of the Judge Advocate General I organized the several divisions of the office; the board of review and the first and second divisions thereof; and the clemency board; and it was my effort, taken in his absence, that showed the necessity for the special clemency board, which, though restricted in every covert way by the department and the office of the Judge Advocate General, has done so much recently to reduce sentences. The Judge Advocate General's attitude has been one of absolute reaction. He has not approved of such organization; he has not approved of my efforts to secure correctness of court-martial judgments or moderation of them. Twice have I been relieved by him from all participation in matters of military justice and superseded by officers who shared his views. He says:

On the 20th of January you (the Secretary) approved a recommendation of mine, dated January 18, opposing the institution of a system of review for the purpose of equalizing punishment through recommendations for clemency.

He does not say, however, that this was done at my insistence, not his; that when he returned to the office last January he published a written office order relieving me from all connection with administration of military justice.

He does not say that on or about January 8 I went to him and urged that something be done to modify courts-martial sentences, and that he declined to take any action, as "to do so would impeach the military judicial machinery."

He does not say that while he was absent from the office a few days thereafter I filed with the Secretary of War a memorandum, dated January 11, 1919, in which I depicted the shocking severity of courts-martial sentences, and that I was driven to take advantage of Gen. Crowder's absence to bring this to the attention of the Secretary of War. He does not point out that he had me demoted because I did not share his views upon the subject of military justice and had me superseded by an officer who did. He does not point out that notwithstanding he kept me as president of the clemency board, as an assurance to the public that clemency would be granted, he "packed" that board with the officer who wrote this defense of the Judge Advocate General, the chief propagandist for the maintenance of the system, and with other friends of his who shared his reactionary views. He does not point out that the clemency board was given no jurisdiction to recommend clemency for the prisoners in France, since "the people at home were not so interested in the men who had committed offenses in the theater of operations"; that is, the prisoners in France were not in a position to become politically articulate or embarrassing to the department. He does not point out that the dissolution of the clemency board had been determined upon, and I had been notified accordingly, without its having passed upon any of the cases in France, and that those cases were not taken up until recently, and would never have been taken up, except for my written official insistence. He does not point out that a special board of review, composed of men sharing his own views, was constituted, with the sole function of reexamining and revising all findings made by the clemency board wherever clemency was to be based on inadequate trial.

(14) He contends that the action taken in the Judge Advocate General's office has been effectual for justice.

He reaches this conclusion on the ground that seldom or never is the Judge Advocate General's office overruled. Of course, so long as the Judge Advocate General of the Army does what the military authorities want him to do he will not be overruled. When the Judge Advocate General of the Army does, as he did in the death cases from France and as he habitually does, seek an agreement with the Chief of Staff as to what his decision ought to be, when he regards himself not as a judge but as an advocate to uphold the hands of the military authorities, he is not likely to be overruled. I as Acting Judge Advocate General was overruled. I was told by the highest military authorities, in a certain case in which a half score of men were sentenced to be hanged, and in which the military authorities insisted on the execution, notwithstanding the fact that they had not been lawfully tried, that I was disqualifying myself ever to be Judge Advocate General by my insistence upon their rights. Through my insistence, however, these men were not hanged.

You can not expect the Judge Advocate General of the Army to be a judicial officer when the law does not make him one. He himself is subject to the power of military command. By section 4, act of February 14, 1903 (32 Stat., 831), the Judge Advocate General is placed under the "supervision" of the Chief of Staff in the same way that the Subsistence, Quartermaster, Engineer, Medical, Ordnance, and other departments are. He is appointed for four years, he may be relieved if he incurs the displeasure of the department, and he will not be reappointed except with the recommendation and approval of the department. He holds his office, in effect, at the will of the Chief of Staff, under whose supervision he is. If the highest law officer of the Army is subject to such military "supervision," how much more effective must the same "supervision" be over the subordinate officers of the Judge Advocate General's department assigned to the staff of a military commander?

HIS REMEDIES.

The Judge Advocate General now says he favors vesting the President with power to review courts-martial judgments for errors of law, and therefore recommends the enactment of the bill submitted by him last year—section 3692, H. R. 9164. Please look at that bill. If enacted it would (a) effectually place the power in the hands of the Chief of Staff, the head of the military hierarchy; (b) authorize the reversal of an acquittal; (c) authorize increasing the punishment; (d) authorize increasing the degree of guilt determined by the court.

The truth is, the Judge Advocate General does not believe in revisory power. He has ever insisted that military law is the kind of law that "finds its fittest field of application in the camp," and that such revision would militate against the requisite promptness of punishment. He has not acted in good faith. In correspondence with the senior officer of his department on duty with Gen. Pershing's staff, shortly after his submission of the above bill, he expressed his real views and purposes. In that letter, of April 5, he said something had to be done to head off a "threatened congressional investigation," "to silence criticism," "to prevent talk about the establishment of courts of appeal," and "prove that an accused does get some kind of revision of his proceedings other than the revision at field headquarters."

The other remedies proposed, consisting of a few more orders and changes of the manual and empowering the department to prescribe maximum limits of punishment in peace and war, I deemed unworthy of comment.

The Judge Advocate General assumes that he has reached the limit of liberality when he approaches in a few respects what he conceives to be the British system, not appreciating that, though that system is far more liberal than our own, it, too, has become the subject of criticism throughout Britain. The British Government has appointed a committee of inquiry of civilian barristers to examine "the whole system under which justice is administered in the Army." Differing from our own War Department, that Government gives evidence of a desire to know the facts and to find a remedy.

HIS CRITICISMS OF MY PERSONAL CONDUCT.

1. He claims that my efforts to establish a revisory power within the department through the office opinion of November 10 to that end was without his knowledge.

Assuming this to be true, it was well known in the department at that time that he had authorized me to manage the office in my own way and without further reference to him, except for certain appointments having political significance. But, as I heretofore said to the Secretary of War in the paper published in the New York Times, I did take occasion to consult Gen. Crowder upon the subject, and he replied:

I approve heartily of your effort. Go ahead and put it over. I suspect, however, that you may have some difficulty with the military men arising out of article 37.

I knew of no change of attitude in him until I was advised shortly thereafter that he had prepared a brief in opposition, and two or three days later he resumed charge of the office and filed the brief. When I found this to be so, I went to Gen. Crowder and accosted him about his change of attitude. In explanation thereof he said:

Ansell, I had to go back on you. I am sorry, but it was necessary to do it in order to save my official reputation.

He then added that he was nearing the end of his service; that he could not afford to be held responsible for the injustice that had gone on, if the existing law could be construed to have prevented it, and adverted to the fact that fixing such responsibility upon him would injure his career in this war. He then told me that the Secretary of War held him personally responsible and had "upbraided" him at the Army and Navy Club for sitting by and permitting this injustice to go uncor-

rected. The general then said that, humiliated at such imputation, he had gone back to the Provost Marshal General's office and consulted some of his friends there and they decided that it was necessary for his self-protection to oppose the opinion the office had prepared, and that two of the officers there helped him prepare the countermemorandum.

2. He says that I surreptitiously obtained an order appointing me as Acting Judge Advocate General in his absence.

Please look at his defense, pages 54 and 55. He admits that he said:

It will be entirely agreeable to me to have you take up directly and in your own way with the Secretary of War the subject matter of your letter of yesterday.

I did take it up in a formal memorandum addressed to the Chief of Staff, the channel of communication prescribed by orders. I never spoke to the Chief of Staff on the subject, and never endeavored in any way to obtain favorable action upon the memorandum. I let it take its course. Under 1132, Revised Statutes, it was necessary that I be designated as Acting Judge Advocate General if I was to be charged with the policies and responsibilities of the office. Otherwise the policies and responsibilities were Gen. Crowder's, who was not in a position to assume them. In furtherance of his ambitions he held three and sometimes four positions during this war, and he was in no position to perform the duties of Judge Advocate General or prescribe the policies of that office. Therein lies the difficulty. I was held responsible for the output, but for means and power was kept dependent upon an officer who was absent, absorbed in other tasks, and who differed with me on the policy of military justice.

The general bases his charge of surreptitious solely on the ground that his approval of my designation as Acting Judge Advocate General was conditioned upon my taking it up "directly" with the Secretary of War. I had assumed that his language was frank and candid and not governed by the quibbling construction he now places upon it.

His other charge of surreptitious method is likewise based solely upon the fact that I made a recommendation on the subject of military justice in France to the Chief of Staff in a written memorandum which spoke for itself and which was never supplemented by any word or action of mine in support of it to secure favorable action. It is quibbling to say, as he does say (p. 53), that my statement to the effect that the commanding general of the American Expeditionary Forces was opposing means for a better supervision of military justice was untrue for the reason that the opposition was officially voiced to the department not by Gen. Pershing in person, but by his senior judge advocate and staff officer, Gen. Bethel; the staff officer, of course, representing the views of his chief.

3. He says that I myself had at first approved the death penalty in the cases from France. If I had done so, the record would show it. The record is to the contrary. Neither is it to be expected that I should have once approved them and then have written a strong memorandum against approval without reference to my former position. The truth is, at the time the cases were being studied by Gen. Crowder, so far as he did study them, and his assistants, I was away from the office in Canada. Col. Mayes, senior officer in my absence, has recently called my attention to this fact and informs me further that he has recently testified before the Inspector General that he had looked over the cases, but that I had not.

CONCLUSION.

The War Department has indeed undertaken to maintain this vicious system at all costs and by methods which reveal the weakness of both the system and the department.

Very truly, yours,

S. T. ANSELL.

Mr. CHAMBERLAIN. Mr. President, my reason for having the foregoing letter printed in the RECORD is that the country may have the views of Gen. Ansell on the subject of military justice, with which many lawyers agree, in opposition to the views of the Judge Advocate General. While he was in the Army and connected with the office of the Judge Advocate General his lips were sealed and he could only speak by permission of his superior officers, who differed from him, although he was himself for a while Acting Judge Advocate General of the Army. That permission was refused him. Gen. Ansell is himself a graduate of West Point, a distinguished lawyer, as well as a patriotic and gallant soldier. He is a man who has been able to see the humane and the civilian side of these controversies and has fearlessly done all in his power to correct a vicious system of the administration of military justice and to alleviate the punishments which that system has inflicted upon the young men of America who sacrificed all for the protection of their

country and the preservation of civilization. His reward for the efforts he has made along these lines has been in practical effect demotion by those in authority, although such men are badly needed to tell the truth in order that a vicious system may be corrected. He voluntarily resigned from the Army, Mr. President, and he can now address himself to the American people in any way he sees fit in order to correct abuses which he knows exist and which all are now beginning to understand have been in vogue during the whole of the World War.

HIGH COST OF LIVING.

Mr. WALSH of Massachusetts. Mr. President, I should like to discuss very briefly a phase of the high cost of living which I believe has not been touched upon in this body.

The remarks of the Senator from Tennessee [Mr. McKELLAR] the other day impressed me very forcibly when he asked for action. I sometimes think we do not appreciate the depth of feeling in America to-day on this question. On a visit recently to my home State I was met with one inquiry at every turn. It was not, "What are you going to do with the league of nations?" It was not, "When are you going to ratify the treaty?" It was, "What are you going to do in Congress about the high cost of living?" It is the main cause of all the unrest, of all the discontent, of all the strikes, of all the business uncertainty in this country to-day. It is more than that; it is causing distrust of our Government itself. It is giving force and strength to un-Americanisms. The people are asking themselves, "Have we a Government capable of grappling with a great problem like this and able to find a solution for it?" I appeal to the Senate to appreciate that the people want immediate action on this subject. The people of America expect us to meet this problem and to find a solution.

Extracts from two letters among many that have come to me sound this note to which I have tried to give expression; one, from the pastor of a Methodist church in the central part of Massachusetts, reads as follows:

Have we men in public life who are aware of the grievous wrong which has been done the public with regard to the price of necessary household commodities?

I am not a prophet, but this Nation is facing either a revolution or a revival of its moral and religious conscience. You are probably aware of the intense feeling there is in the hearts of laboring men to-day, and I hope God will most graciously sustain you and the other Members of Congress in this the most critical period our Nation has ever experienced. We do not want a soviet republic. We do want a continuation of the Republic which existed here up to about 1900.

The other reads:

We are living in a strenuous period economically, and the average man is not giving much thought to parties nor to platforms. Labor to-day is in the saddle, not only here in America but in Europe as well. Apparently the extreme demands that labor is making cause no surprise to the average student of conditions. * * * The present structure of society, with all that is good as well as bad, may disappear overnight if care is not taken. * * * Now, this tremendous sentiment of unrest is not going to abate; it is going to increase; and in the opinion of an humble, observing citizen, whether we like it or not, labor is going to get just about what it starts after, and that includes Government ownership of things like railroads, coal mines, etc., unless the Government deals effectively with the present evils.

Mr. President, the point I wish to emphasize to-day is that it is high time for action. Ten days have elapsed since the President publicly called this question to our attention. What have we done? What are we going to do? I ask these questions fully realizing that this is a very difficult and serious problem, but, nevertheless, its solution is the way to stop this wave of unrest; it is the way to insure the safety of the Government itself; it is the way to protect democracy in America. What can the Senate do? For after all we want practical suggestions. This Congress can at once restore confidence by showing that it is awake to the situation and proposes to act at once. One of these letters is from a clergyman, who complains about the high cost of living and of having received the same small salary for years; and this is largely true of all the salaried class. Telegrams are also pouring in from postal clerks and many other public employees. Policemen in the capital city of Massachusetts are threatening to strike. All this is due to what? It is because they can not, with their present wage, meet the present cost of living.

I ask again, what can we do? I suggest an answer. One thing we can do that would do more to restore confidence and reassure the people of this country would be an announcement in this Chamber and in the other branch of Congress that the steering committee of the Republican Party and the steering committee of the Democratic Party had met and jointly decided to seek an immediate solution. Joint, immediate, nonpartisan action is what the American people have a right to demand.

It seems to me that if such a course were taken and agreement reached that we would act harmoniously and speedily and construct some legislation it would do very much to restore confidence in our system of government and we would be doing

much to assist the people to enjoy the happiness and the prosperity that ought to come with the peace that has been earned at such very great sacrifice.

ADJOURNMENT TO WEDNESDAY.

Mr. CURTIS. I move that when the Senate adjourns to-day it adjourn to meet on Wednesday next.

The motion was agreed to.

HIGH COST OF LIVING.

Mr. THOMAS. Mr. President, I think I recognize the seriousness of the situation to which the Senator from Massachusetts [Mr. WALSH] has directed our attention. I have been aware of it, apprehensively aware of it, for a long time. The present situation is not one which has suddenly thrust itself upon public attention. It has become acute because of the position of certain organized bodies of men feeling the weight of these conditions and demanding an increase of pay. If Congress can by legislation restore the purchasing power of money, increase the food supply, and in other ways regulate or control the natural laws which surround us, and from whose operations we can not escape, we should do it by all means. But the most sinister feature of the present situation lies in the fact that those who are suffering acutely from prevailing conditions are absorbed with the idea that Congress can relieve them if it would. I say that is dangerous, because it produces those discontents to which the Senator has referred and about which his correspondents have written him.

The unfortunate difficulty is not with the desire of Congress to give relief, but with its ability to do so. If we were asked to legislate for the abolition of the law of gravity, if we were asked to change the seasons by substituting spring for summer and summer for winter, we certainly would recognize and the public would recognize how utterly impossible compliance with such demands would be.

Mr. President, it is a terrible condition, but it is not a new one, neither is it a local one. It is a world-wide one. It has succeeded and has in some degree accompanied every great industrial or military convulsion to which the commercial world has been subject, and it will continue to succeed and accompany them so long as men differ and controversies disturbing the peace of the world shall follow.

We have certainly passed a great many laws already which are being enforced upon the subject, and we can perhaps prevent what is called profiteering, a practice which is, unfortunately, not local, but which is everywhere, and which is merely a reflection of the habits and actions of man when opportunity stands at his elbow.

Mr. WALSH of Massachusetts. Will the Senator yield?

Mr. THOMAS. Certainly.

Mr. WALSH of Massachusetts. I should dislike to have the Senator change his line of argument, but I wish to ask him if he does not think that one of the causes, a partial cause, for the present high cost of living in America is due to the fact that previous to this war we only exported the surplus over and above our normal demands for foodstuffs, and that during the war and at the present time we are exporting out of the normal demand of our own people for foodstuffs? Does the Senator agree with me that that is in part a cause?

Mr. THOMAS. Of course, Mr. President, anything that reduces the supply necessarily produces a rise in the market.

Mr. WALSH of Massachusetts. Then will the Senator agree with me that the American people have a right to know that their Government has made an inquiry into what foodstuffs are being shipped out of America that are needed here, and that have increased the cost of the necessities of life, and have a right to know how much is being shipped and whether the amount that is being shipped is absolutely necessary to relieve distress and want on the other side?

Mr. THOMAS. I think that is very apposite. We can not let the world starve, neither should we supply them with food in overabundance, and if that is being done the suggestion of the Senator is extremely pertinent. But if it is done, will that solve this problem?

Mr. WALSH of Massachusetts. It will at least help to do it in part. But the point I desire to make is that the American people would, at least, be somewhat appeased if they knew that the food supply which is being exported was actually to relieve want and not to make more money than could be made by selling the food here in America. It is one of the very serious grounds of discontent that we are exporting when we ought not to be exporting. I say the Government ought, at this crisis under these conditions, to stop exporting every single thing that pertains to the necessities of life in America over and above what will actually relieve want and distress on the other side.

Mr. THOMAS. Has the Senator himself inquired for such information?

Mr. WALSH of Massachusetts. Yes; and I am collecting such information.

Mr. THOMAS. Has the Senator introduced a resolution seeking such information?

Mr. WALSH of Massachusetts. No; I have not; but I am asking the Senator the question because he has said the difficulty is beyond the possibility of our being able to grapple with it, and I have tried to point out one question at least that the American people might be interested in knowing about.

Mr. THOMAS. I am not aware of having stated that this was a problem beyond our possibility to legislate about; but quite the contrary. I declared that there are some features of it which could be reached and which laws had been passed to reach. If we are engaged at present in an overexportation of foodstuffs, then, of course, that surplus should not be so diverted from America but should be kept here. I merely wish now to emphasize some of the things which I hope the average thinking man and woman will for a moment dwell upon.

In the first place, I have stated that the condition is not a national one, and, of course, Congress, powerful as it is, can not legislate for the whole world. Therefore it is a condition underlaid by world-wide causes. It must be. What are they? I will not pretend to state them all, but one is the extraordinary inflation of the currency of all the nations. You can not increase the circulating medium of the people without affecting prices. You can not increase the currency of a people and keep the value of the dollar where it was before, not even if that increase is of gold. If a nation possesses a currency of \$1,000,000,000 of gold and subsequently adds \$2,000,000,000 more to it, thus having a currency circulation basis of \$3,000,000,000, the gold dollar possessed by that country will lose its purchasing power in proportion. The only way in which the value of the dollar is measured is in the thing for which it can be exchanged. In this country and in other countries, as the Senator from Missouri [Mr. REED] on last Friday showed, these increases have been enormous. With us I think it is much more than 100 per cent. I have the figures somewhere. From the instant that our currency increases began they were reflected in current prices and they have continued to be so reflected.

Then, too, Mr. President, we have expanded our credit by an issue of bonds of nearly \$30,000,000,000. The inflation of credit added to the inflation of currency aggravates many times the evils consequent upon the reduced and reducing value of the dollar. We can, as the French Assembly did, pass a law requiring the seller of merchandise to take the American dollar at a value fixed by law, and we can guillotine him, as they did in France, if he refuses. But unfortunately that method did not prevail in France; it brought no relief there, and it would not prevail and could bring no relief here. We might just as well attempt to change some other law of nature. I think the people ought to know these facts.

Take another proposition. This country is bearing a burden of taxation that is unprecedented either in America or elsewhere. We expect to raise for the year 1919 something like \$6,000,000,000. That must be paid. The people can not escape it. The requirement is hedged about with penalties which no man dare encounter. Every dollar of the National and State taxation which can be passed on to the next man and finally rests upon the ultimate consumer. I do not pay a cent of tax that is not passed on if it is possible to do so, neither does anybody else. It is a part of the cost which attaches to the business or the income of the taxpayer, and he very naturally makes it good by adding it to the price of his merchandise or his manufacture, and that is borne by the next purchaser, who passes it on until the ultimate consumer bears the burden.

We must not forget that we are all ultimate consumers. Every man, woman, and child in America constitutes a part of that great army. The entire value of the agricultural and meat products of the United States the year before the war, as I remember the figures, was about \$7,500,000,000, or very little more than the tax burden which is now passed on to the consumer.

I sometimes wonder whether the prices of the necessities and commodities of life will remain where they are or whether they will continue to advance. I know, or at least I think I know it, that the public will not for years enjoy any permanent relief from the evil of high prices, because for many, many years, running into generations, this burden of taxation will rest upon the productive and consuming energies of the people, and as a consequence we must regard it as one of the heritages of war.

Mr. President, I think the most serious act of my life was the casting of a vote for this war, not because it was not necessary, but largely because as a boy I was in daily contact with the ex-

periences of the Civil War of the early sixties, because those experiences involved the seamy side of that terrible conflict, the agony, the suffering, the destruction of property, the loss of lives, the disappearance of civic institutions, the prevalence of martial conditions both in the Army and in society, and above all the enormous cost of the necessities of life consequent upon the creation of an enormous debt and an undue inflation of currency. I knew that we would win this war, but I also knew that with it would come those terrible costs of victory which spread their evils over many generations of men, and I also feared that they would produce just those social and industrial upheavals which now so seriously disturb the country and which very seriously add to the constantly accelerating cost of the necessities of life, because they diminish consumption, and by demanding a higher wage add a more pressing burden in every direction, upon the Government principally, but upon the operations of those laws which after all govern and control these conditions.

I have opposed in this body, unsuccessfully, every bill having for its purpose an increase of compensation to Government employees. I have done it because I knew the only effect of that grant would be to transform the recipient of these advances into an agency for transferring the amount of the increase into the pockets of the purveyors of the necessities of everyday life; and that has been the case.

It was resisted and resisted. Some Senators and some Representatives went so far as to challenge the accuracy of my position, not the least of whom was a former Representative from my State, a very warm personal friend, Mr. Keating, who is now the secretary of the Congressional Commission on Reclassification of Salaries. Only so late as Saturday last I noticed this statement from Mr. Keating, as it appeared in the Evening Star of this city:

CLERKS' BONUS FAIR GAME FOR SUCH AS PROFITEER.

"Why do you permit landlords, boarding houses, and others to profiteer and raise rents and prices as soon as clerks get a bonus?"

This was the inquiry received to-day by the Joint Congressional Commission on Reclassification of Salaries in the District from somebody who signed himself "Square Deal."

"Square Deal's inquiry is a pertinent one," declared Edward Keating, secretary of the commission. "Unfortunately, he has confused the functions of this committee. But we all recognize the pertinency of his query."

"No sooner does a Government clerk get a bonus than it seems as if something comes along to take it away from him. A vicious circle is formed and will not be stopped until something is thrown into the wheel."

Unfortunately that is the very thing we have been throwing into the wheel and will continue throwing into the wheel and by that means aggravate the condition that we are supposed to improve.

Some days ago the chiefs of the railway brotherhoods made a demand for an extraordinary increase in wages, and at the same time said it would not relieve the situation; that the only effect of it would be to bring the level of prices still higher so as to conform to the increases; and that is true. Every strike for an increase, if granted, will only make it necessary to strike again and to make another demand. This condition will keep rising and rising, and the material man will be always ahead of the fellow who gets the salary, not only in this country but everywhere; not only in this age but in every age. Conditions will continue until something will collapse or explode.

Unfortunately for America, the people generally seem to think that the Government can do everything. We began years ago with a protective tariff, and from that beginning constant requests, demands, and exactions have been made upon the Government until to-day Uncle Sam is visualized as a great institution with an exhaustless Treasury, with all sorts of privileges to bestow upon everybody, and as existing merely for the purpose of helping his children when they get into trouble—feeding them, clothing them, curing them of the colic, seeing to it that they are well educated and that they are coddled and paternalized from the cradle to the grave. It is an unfortunate condition; we are to blame for it, perhaps, quite as much as are the people; but in consequence of it we are face to face with the very ordeal to which the Senator from Massachusetts [Mr. WALSH] has called our attention.

The people assume that we can lower the price of eggs to 10 cents a dozen; that we can restore the price of steak to 10 cents a pound; that we can put the price of canned goods at the dead level they occupied prior to the war; that we can furnish them with \$5 shoes and \$25 suits just as before, and they propose to take us by the throat if we do not do it. I can not do it. I am going to throw up my hands. If they want my life and my pocketbook and my various little possessions, I can not help it; I am willing to do what I can; but I do not want to deceive the people or any of them who are obsessed

with the idea that Congress is possessed of an omnipotence which no human tribunal ever can obtain or exercise.

It is asked, Why does not Congress do something? That is the cry. Under existing laws the Department of Justice is doing something. The Attorney General is gutting all of the cold-storage institutions of the country and is going to bring down the prices in many respects; but next winter when there is a shortage of these identical commodities and prices soar beyond the present level, the same people will rage and reproach the Government for bringing about conditions for which they clamored just before. That is human nature. We will be damned if we do; we will be damned if we don't; and we will possibly be damned anyway. [Laughter.]

Mr. President, if the Senator from Massachusetts will formulate any bill—I do not care what it is—which he believes will effect some relief, I think I shall vote for it, although I may not approve it or may be skeptical about its result.

Mr. WALSH of Massachusetts. Mr. President—

The PRESIDING OFFICER (Mr. HARRIS in the chair). Does the Senator from Colorado yield to the Senator from Massachusetts?

Mr. THOMAS. I do.

Mr. WALSH of Massachusetts. Did the Senator from Colorado hear the address delivered by the President of the United States 10 days ago, requesting legislation?

Mr. THOMAS. Oh, yes. I paid very close attention to it.

Mr. WALSH of Massachusetts. My speech only called for action upon the part of the Senate along the lines indicated by the President; that we do something; that we show to the country that we are not playing politics; that we are not politically divided on this question; but that we are trying to do something to help solve this issue.

Mr. THOMAS. Mr. President, I heard the President's address. I desire to say I do not think we are politically divided on this question; I think there is a wide difference of opinion among Senators as to what we can do; but I do not think that the difference runs in the center of this aisle. It is a difference of opinion which is outside of and beyond our political affiliations. Every man on the other side and on this side I am satisfied wants to do all that he can. Hearings are being held by the Agricultural and other committees, but, if I am correctly informed, representatives of the great agricultural interests say that we shall not do anything; they declare that if we make any attempt in this direction its only effect will be to limit production. They know this much at least, that if the proposed laws are passed and they think they are going to deprive them of profits, they will quit producing. No man on earth—not even a Bolshevik—is going to produce unless he sees some profit in it or hopes for some profit or expects some profit, financial or otherwise. If we destroy that element in the business world, we seriously injure it. Hasty legislation, Mr. President, may be worse than no legislation at all. So, in the face of a tremendous problem like this, however impatient the people may be, I can but think that Congress is wise in going just a little slow before taking the final plunge, for the water may be colder or a great deal deeper than we imagine it to be.

What I approved of in the President's message, perhaps, more than any other sentiment expressed in it was his counsel to the people to keep cool, not to lose their tempers, to face conditions quietly, and yet with a determination to overcome them as far as possible, for if we lose our heads we are gone. If the people become exasperated with what they regard as the indifference or the tedium of Congress if some demands that are now made are not complied with—and I do not think that they can be; I do not think that they ought to be—we can not tell what the result may be. We do know that this cause, as the Senator well says, has underlain many of the turbulences and insurrections and social upheavals of the past. When a man is hungry or thinks that he is being outraged in the matter of foodstuffs, he does not stop to reason.

Blind with wrath and a feeling of outrage, he strikes in the dark at everything and anything within reach, and only considers his unwisdom and his folly when it is altogether too late. So that if coolness and the contemplation of things as they are can only prevail we shall come out of this crisis as we have emerged from every other crisis which this country has faced.

Republicans, Mr. President, and Democrats are alike Americans; they alike have the good of the country at heart; their standpoints are different but their object is the same; they are patriots all. While they have their differences, which rise to fever heat in times of exciting political campaigns, that is but the effervescence of Americanism, which is healthy for themselves and for the community.

There is another significant feature of present conditions: There is more industrial unrest and disturbance, there are more

strikes and commotions and more turbulence of minorities everywhere just now than at any other period in our history; and yet, strange to say, with it all we are prospering wonderfully. I have been unable to perceive any immediate urgent cases of suffering or indigence, although they may exist; but the general trend of conditions is a pretty well distributed prosperity. I never before saw so much money in circulation, and I have lived nearly 70 years upon this planet of ours. There never was as much money in the savings banks—and it is sound money, it is good money. Wages were never so high; the salaries of employees were never better; indulgence in the luxuries of the world is widespread and almost universal. The jewelers are doing the business of their lives, and the manufacturers of automobiles can not keep up with their orders. One can not go to a theater in this or any other city in the United States by day or by night without finding difficulty in securing a seat. Expensive clothing is the rule and not the exception; the people are well dressed everywhere, but torn by discontent—well founded in most cases—and totally unsatisfied with prevailing conditions. Thrift is a forgotten virtue. That was the old element in the prosperity of the Nation—thrift, frugality, economy, saving something at the end of every month or at the end of every year, living within your income. Now the policy is to spend all you get, and, if you want more, strike for it, get it in that way, and spend that; free it comes and easy it goes. The vast proportion of the people who are clamoring for a change in conditions are those who are the least affected by them.

The condition confronts us, however, and we have got to meet it; there is no question about that. I myself am loath to believe—although it may be true—that we are exporting more foodstuffs than are needed across the sea. If so, of course, it means profiteering is being indulged in because of the attraction of increased prices in France, Great Britain, and other European countries. It ought to be stopped, and I think that this administration will stop it.

I know of no reason why they can not stop it under existing laws, for, if I remember our food-control law—and I remember it fairly well—the administration is given almost autocratic power to control the distribution of foodstuffs. Certainly no legislation is needed in that regard; but the inquiry may be entirely pertinent.

If anybody is unduly charging and making extraordinary profits in the dispensation of the necessities of life at this time, that man is an enemy of his country. That is a pretty serious statement, Mr. President, but I make it deliberately, because in the present fevered condition of public opinion any man who ministers to it deliberately and voluntarily, I do not care how the ministration is effected, is for the time being, although he may not know it, an enemy of the public order, and therefore of this country. I have not a particle of doubt that such conditions exist; nor have I any doubt that the administration, through the Department of Justice, will discover those men. I hope they will and bring them to book, because nothing in the world will so serve to enforce rigidly the restrictive conditions of a statute as the imposition of the penalty which it sanctions. If that is done, it ought to, and I think will largely, satisfy the sentiments of those who now feel that they are suffering unjustly and unduly because the Congress hesitates or is afraid to enact legislation which, in their opinion, will regenerate the world.

Mr. WALSH of Massachusetts. Mr. President, I have listened with very keen interest to the able remarks of the Senator from Colorado. Let me say that since I have been a Member of the Senate there is no Senator on this floor who for knowledge of public questions and ability to make a clear exposition of his position upon public questions has impressed me more than the Senator from Colorado. I have great respect for his opinions and views; but I differ from him on this question in this respect: During my public career, if I have found one thing more than another that has tended to influence the people in opposition to our institutions and our Government, and to arouse discontent and doubt as to whether or not we have the right kind of Government, it is the fact that they feel that in emergencies our public officials do not respond to their demands.

During the war with Germany this Government showed to the world and to its own people that it could respond when it set out to do it. When we stood for patriotism and for America and forgot party lines and divisions we accomplished things. Bill after bill was passed by the Senate after only two or three days of deliberation and consideration. Now we are not fighting Germans, but we are fighting discontent in our own country, and we are face to face with serious unrest. The people want us to do something, and I suggest that there is one way that I have seen since I have been here by which things can be accom-

plished, and that is for the leaders of both political parties to agree upon a policy. There is hardly a bill that can not be passed through both branches of Congress in 24 hours if the leaders of both parties meet and agree to it. The very thing that the Senator has suggested about what is taking place in the Committee on Agriculture shows the need of party cooperation. We all know that when it appears in issue here that the farmers are on one side or the other, each political party takes a position pro or con, determining their position as to whether they can get the farmers' vote or not. I think that this question is beyond votes, beyond party, and that the best way to guarantee to the American people that we are in earnest, that their public officials note this unrest and desire to stop these strikes, is to announce that we propose to face this issue; we propose to pass all legislation necessary, and to do it at once. That is why I suggest that there could not be any act I can conceive of that would guarantee that security better than if it were announced to-morrow in the press of the country that so important did Congress consider this issue that the steering committees of the Republican and Democratic Parties for the first time in years, except during the war, had met together to agree upon a program, to agree upon pushing to the front all legislation which will tend to reduce the cost of living to the American people. What could be fairer? What could bring confidence to our people better than this? And there is need of confidence.

Mr. KING. Mr. President—

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Utah?

Mr. WALSH of Massachusetts. I yield.

Mr. KING. I want to ask the Senator whether, in his opinion, the high prices are the result of scarcity, of extraordinary exports, or of combinations and monopolies in restraint of trade?

Mr. WALSH of Massachusetts. In my opinion the high prices are due primarily to the worst condition of criminal profiteering that any country has ever seen in recent years. I think when the evidence is made public as to the terrific amount—millions and millions of dollars—of profits that have been made by manufacturers and producers of foodstuffs in this country we will have all we can do to satisfy our people that they are living under a Government which can protect them and will protect them.

Mr. KING. Does the Senator think—if I may be permitted another inquiry—that the profiteering has gone to the extent of violating the criminal statutes of the various States and the criminal statutes of the United States?

Mr. WALSH of Massachusetts. In my opinion, the present law is not sufficient to meet the present situation. I do think it goes very far to meet it. I note that certain Members upon the other side of the Chamber take the position that there is nothing to do; that there is enough law upon the statute books, and that the violators of law ought to be prosecuted.

Mr. KING. As I understand the Senator, then, there is a disposition upon the part of manufacturers to extort money from the people by high prices and by combinations. If that is true, since nearly all of the States have very strong statutes, drastic statutes, against restraints of trade and trade monopolies, why do not the State officials, who are right in contact with these evils, bring into effect the statutes of their States? Why do not the State officials of Massachusetts and of Connecticut and of Rhode Island, where large manufacturing plants exist and where, as I understand the Senator, these combinations exist, invoke the State statutes? Why do they always come to Congress for relief when they have relief at home, if these high prices, in part at least, are the result of combinations and monopolies?

It seems to me that the State officials are lying dormant. They must be moribund. The only two States that I have read of recently that are taking any steps at all to enforce the criminal statutes against combinations and against monopolies are the States of New York and Ohio.

Mr. WALSH of Massachusetts. The statements of both the Senators—and I say this most respectfully—reinforce just the argument that I make. The people hear us say: "Why do you not do this? Why do you not do that? Why do you not prosecute? Why do you not go to the separate State governments?" The Senator well knows that the government of some States is in the control of these profiteers, and there is no hope of remedy from that source. The people come to their National Government, as they came here when we were at war, and found the officials of the Government willing to cooperate and try in every possible way to bring victory and success to our arms, and they have a right to come to us in these hours of peace and ask us to meet this very serious problem and this very serious condition.

I note, also, that the opposition, or the suggestions that there is little that can be done or that we ought to go elsewhere,

came from colleagues upon my side of the Chamber; so I am further convinced that it is not a party issue at all. I want that made clear. I say that the Republicans are as patriotic as the Democratic Members are. It is not a party question; but we do too frequently divide here upon party questions, and any man who heard the message of the President 10 days ago knows that unfavorable comments were made simply because these words came from the mouth of a Democratic President. What I ask is, if that is the case, that we give notice to the country that we can not do anything; that it is our Attorney General, it is our State governments, that are responsible; that Congress can not do anything. Let us declare it, not by one Senator's speech but by a unanimity of action here, so that the people will not look further to us. Then they can look for some other remedy, somewhere else. But if we have a remedy, if we can assist, I ask that we show the proper spirit and quell this discontent. Go home to your own State of Utah, Senator, or to Colorado, and every person you meet upon the streets will ask you, "What are you doing in the Senate? What is being done by Congress?" It is true, as the Senator from Colorado says, that it is difficult to do. People are turning to their Congress; and are we to tell them that we are powerless; that there is no remedy here; that there is no law that can be passed by this Congress; that our doors are closed to them; that they must find a remedy in some other branch of the Government, or outside their Government; that it is a condition we are not able to settle?

Mr. THOMAS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Colorado?

Mr. WALSH of Massachusetts. I do.

Mr. THOMAS. The Senator has referred to conditions in my State. I interrupt him to say that I have received a great many letters from my constituents, and almost every one of them suggests a remedy, and no two of these remedies are alike. Some of them are diametrically opposed to each other. Here, again, I can not possibly comply with all of their requirements.

Mr. WALSH of Massachusetts. I repeat, if the political leaders in this Chamber and on the other side of this building meet to-morrow they can within 24 hours pass every law that the President asked to have passed 10 days ago; and every Senator knows that such action has been taken repeatedly during the days that we were at war with Germany.

Mr. THOMAS. May I ask the Senator if he is in favor of passing every law recommended by the President?

Mr. WALSH of Massachusetts. No, sir; I am not.

Mr. THOMAS. I am not, either.

Mr. WALSH of Massachusetts. No; I expect to be opposed to many recommendations that the President makes; but I do say that I love my Government to the extent of not wanting the people to turn against it because its public officials refuse to hear their murmurings and their pleadings. They are with outstretched hands asking for help and for relief. This is the condition in this country to-day. Every government that has ever been overthrown has been overthrown because of its public officials' failure to respond to the hopes and aspirations and wishes of the people. This is getting to be the situation in America. Have we the power, have we the disposition, have we the inclination to meet this situation?

That is why I join with the Senator from Tennessee when he says the people want action; and I have suggested a way of action. There is not a Senator here that can dispute me. Let us have a meeting of both these steering committees. Instead of endeavoring to find out how the farmers, or the manufacturers, or the employers of the men in industries feel, let us say that this is such an important American issue that we are going to solve it no matter where it hits or whom it hurts. This is the way to meet this issue, in my opinion; and I am very glad to have an opportunity of discussion by Senators here, and want to apologize for taking so much time, although I do not believe I need to apologize. I have not thrust my opinions upon this body very much during the short time I have been here. But I do want to find out if it is possible to get this body to act; and I do want to express here the sentiment that is widespread and sweeping across this country: "Can our Government help us? Is there ever going to be an end to the increased cost of living?"

Strikes, strikes, strikes everywhere—against what? Not for more wages, but for money to meet the bills that come pouring in on the housewives of America every day and every hour; not for more wages, but to pay for the cost of sleeping and living, of clothes and food for children and men and women. That is what the strikes are for. That is what the cry is.

Are we powerless? Are we helpless? If we are, let us say so. Let us tell the people the truth. Either we can not or we

will not find a remedy. If there is a remedy, let us give it to the people, and let us put it first on the program of action here each day and agree to study and work over this problem in daily session until we settle it. This will put an end to the unrest and restore confidence in our own institutions and our own Government.

Mr. KING. Mr. President, the impassioned speech just made by the distinguished Senator from Massachusetts did not point out any remedy, as I interpret his remarks, to meet the condition of which he complains.

I do not want him to assume from the very quiet and modest questions which I propounded to him that I was expressing an opinion one way or another upon this important question. I do not want him to think that the questions I propounded were designed to convey my views upon the question of high prices or the manner of dealing with the same or the authority of Congress to deal with this question, although I will say frankly that I think the views of many of the people as to the power of Congress to control prices and regulate the activities of the people are fallacious and do not rest upon scientific or economic grounds or historic precedents. It has become the fad nowadays when some evil, real or fancied, exists in the country to rush to the Government of the United States for relief. Legislative enactments are the panaceas for all our industrial and political ills; the philosophy of cause and effect is discarded; the operation of natural laws in economics, in the sociological field, is to be set aside, and hastily written laws are to remedy conditions which result from world-wide influences.

The doctrine is taught that all power is in the Government, in officials and bureaus and the thousands of employees of the United States, and that in some mysterious manner they can heal all infirmities of the social and political organism and drop blessings and prosperity upon the people. This doctrine is an anachronism; it has no place in the political formula of this enlightened age. Freedom and progress and prosperity are the fruits of the individual and result from individual initiative and growth and development. Governments and officials are not fairy godmothers showering gifts upon the people. We must learn the lesson that economic and social progress rest with the people; that liberty and progress result from strong individualism and are found in governments that are free from autocracy and paternalism. Germany was inducted in the belief that the State was the source of power and that the individual existed in order to glorify the State. This view inevitably produced a strong military government in which there was communicated to the social and political structure the same spirit which in the end developed an autocracy and a bureaucratic tyranny.

It should be understood that conditions often arise which legislation can not prevent, and evils appear which enactments can not cure. War changes the currents which carry the world. These changes of currents profoundly affect the lives of the people. The political and economic and social conditions are frequently revolutionized. The effort during the period of war is to create in order to destroy. Life and prosperity—everything we have—we lay upon the altar of sacrifice. War works destruction and ruin and produces consequences which are ineffaceable. Laws can not bring back the billions of dollars in effort, in human energy, in property, which the great struggle through which we have just passed demanded, neither can it put life into the forms of the heroic dead who sleep beneath the blood-stained soil of European lands.

There have been four years of waste; four years during which millions of men were withdrawn from industry and the fields of production and were engaged in destruction. During these long and tragic years millions of men were killed and greater numbers were maimed and rendered incapable of again entering the fields of industry and production. Capital and savings to the extent of billions were destroyed, and ruin and desolation came to many peoples. The world became a huge war machine to turn out men to fight and to be killed, and to produce shot and shell and engines for human destruction. We are now facing the inevitable results of a world conflict—lands devastated, homes destroyed, the accumulations and savings of years of thrift and frugality wasted; Europe a charnel house, her industries paralyzed, her economic life overwhelmed, her people exhausted and still suffering from the shell shock of war. And we must add to this record the further fact that poverty, bankruptcy, and starvation exist in many of the countries of the Old World. And this mighty Nation, while not suffering as other nations suffered, is staggering under the burdens which the war laid upon it.

The causes making for high prices in Europe exist, though perhaps in less acute form, in this country. No human agency could have prevented high prices following the war. Rulers could have promulgated edicts, Congresses and Parliaments could have legislated until their laws filled volumes, still prices

would have increased and industrial and social conditions would have been unstable.

The reaction from this war was bound to produce serious conditions and national and international disturbances. It would be wise, if we could realize this fact and appreciate that the period of transition from war to peace will call for the highest patriotism, statesmanship, and courage upon the part of political leaders and the utmost charity and sanity and common sense upon the part of all the people. This is no time for the preaching of discontent or the application of radical experiments. The swollen tide of war will not subside in a day nor in a year. The normal streams of life can not flow steadily until the mighty inundation has subsided. We must watch and wait, and with patience and wisdom address ourselves to the conditions surrounding us.

Self-initiative must not be weakened or destroyed; the people must not lose faith in themselves, in their own power and virtue, and in their competency to work out their salvation. This is the test of a great people.

The problems of the hour call for courage, splendid individualism, capacity for self-government, and the assertion of those glorious attributes which have so conspicuously manifested themselves in those who laid the foundations of this Nation as well as those who have preserved it until this hour.

Mr. President, the Senator from Colorado [Mr. THOMAS], when I came into the Chamber a moment ago, was detailing some of the factors to be considered when legislation is proposed having for its object the reduction of commodity prices. There is no division of sentiment upon the part of legislators, as well as all thinking people, as to the results which are desired. All are anxious to get back to a peace status as soon as possible. All admit that the prevailing world prices are too high, and that the pyramiding of wages and commodity prices must, if persisted in, end in disaster. There are honest doubts as to the causes of present conditions and as to the measures necessary to effectuate relief. That there is profiteering in many circles and fields of activity I am convinced. Avarice and cupidity are too often the aftermath of war. The moral sensibilities of some are blunted by war, and they seek to profit at the expense of others when patriotic and altruistic individuals are seeking to bring peace and tranquility to a disordered world. I have no doubt but what there are manufacturers, and traders, and brokers, and middlemen, and retailers, and "captains of industry" who are indifferent to the serious situation of our country, and their calloused souls fail to respond to the calls of conscience. There are perhaps some agriculturists, some in the ranks of labor, who also are profiteers, and who are making the task of bringing society back to the safe paths of peace and prosperity infinitely harder.

Monopolies and combinations to restrain trade and production and to increase prices should be punished. The robber should be punished though he wears the respectable habiliments of a "business man." I am in favor of any legislation that will promise results. But I am apprehensive of some of the nostrums suggested up and down through the land. There must be production, and still more production. If the farmers, fearing that they are to be denied a fair profit upon their labor and investment, cease to produce, then want and starvation will peer into our homes.

In the schemes proposed for relief from high prices, care must be had not to discourage production. Punish those who dam up the streams of trade and commerce, who by combinations or illegal methods increase prices; but in every legitimate way encourage greater production and increased physical and mental effort to produce.

However, it is impossible, in my opinion, to immediately bring prices down to prewar conditions. The immense volume of currency in circulation not only in our country but also in the world, the imperative demands of Europe for our raw materials as well as our finished products, together with the shortage occasioned by the war—these and many other causes conspire to maintain a high level of prices for an indefinite period. If we were to contract our circulating medium, reduce the base of credit, cease to export to feed and clothe the starving and naked people of Europe, if we could stimulate production in the face of falling prices, then we might very soon realize some of the benefits so eloquently alluded to by the Senator from Massachusetts.

Mr. THOMAS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Colorado?

Mr. KING. I do.

Mr. THOMAS. The Senator says that some of the benefits which the Senator from Massachusetts looks for would be experienced, perhaps, by contracting the currency. I want to

suggest to the Senator that the most disastrous and widespread panic and the most serious suffering among men and women of every degree of affluence or the lack of it has been in times of contraction rather than in times of inflation.

Mr. KING. The observation of the Senator is pertinent in this connection. The conditions after the Civil War illustrate the evils of a too rapid contraction of the currency. It can not be done without bringing upon us greater evils than those from which we are now suffering.

I sympathize entirely with the situation as it has been depicted by the Senator from Massachusetts. It is regrettable that conditions are as we find them throughout the world; and yet, bad as they are here, we do not suffer as the people are suffering in Europe and in other parts of the world. If prices are high here, they are much higher in Europe.

I say again that some of the conditions existing to-day can not be changed by fiat of Congress. Doubtless there is some legislation which Congress has the authority to enact that will ameliorate conditions. But as I have stated, the return to peace conditions will be a slow and somewhat painful process. The patient does not pass from a serious illness through the period of convalescence and back to perfect health in a day. It requires weeks, and in some instances years, to effectuate a perfect cure. The world has been sick socially and economically and industrially, sick from autocracy, sick from militarism, sick from the horrors of war. It needs a wise and skillful physician; it requires courage and faith and the spirit of sacrifice. The patient must exercise caution and prudence and observe the laws of health if it would again become sound and well and prepared to assume the responsibilities required at its hands.

If we will cease striking and produce more, that will prove one stepping-stone to improved conditions and to falling prices. One of the primary questions is work and production. Anything that will stimulate production will make for the reduction of prices. I repeat that if we cut off exports, if we reduce the circulation medium, if we practice the most rigid economies, then we will not long complain of high prices. If we will practice some of the economies that were observed during the war we will get back to normal conditions very much quicker; but as long as men are spending, as they are to-day, the greater part of the \$50,000,000,000 that we earned during the last year, as long as we are spending it and not saving it we will have high prices.

Mr. WALSH of Massachusetts. Mr. President—

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Massachusetts?

Mr. KING. I yield to the Senator.

Mr. WALSH of Massachusetts. Does the Senator object to the first step being taken by this body to show that they are interested in this public question—that the steering committees of both political parties deem it of such importance that they are cooperating to give it first place in any program of legislation in this Chamber?

Mr. KING. Mr. President, I should welcome a conference of the leaders of both parties here, a conference of the leading committees, with a view to formulating such legislation as is within the power of the Federal Government, and calculated to remedy the evils of which the Senator complains.

Mr. WALSH of Massachusetts. The Senator will recall that I sought to point out the evils, the unrest, and the discontent, and suggested this as the first immediate remedy, so as to let the country know that we appreciate the condition, and that we were going to prepare to meet it, and meet it in a nonpartisan way, by the cooperation of all leadership here, and by forgetting for once, anyway, any party division upon this important question.

Mr. KING. I regret that I was called from the Chamber when the Senator first addressed the Senate this afternoon, and I do not have the advantage of the remarks which he then made. I was addressing myself with reference to the remarks which the Senator made the second time that he spoke this afternoon.

Mr. President, I think that every Member of the Senate and every Member of the House is desirous of doing everything that may be done under the constitutional power of the Federal Government. But I do think that it is not the part of absolute frankness and candor to convey the idea to the people that Congress is in a situation to bring about all of these changes which so many individuals are demanding. I am afraid that the public do not appreciate that we have just emerged from a great World War; indeed, the war is scarcely over; and that the effect of this war will last for an indefinite period.

I think that we should plead for patience and for patriotism upon the part of the American people; plead for an exhibition of the same stalwart Americanism now that they exhibited during the period of the war. Peace has its dangers and its

problems, sometimes infinitely greater than those that confront nations during the periods of great wars. This is a time when the American people should act wisely and patiently, and should not indulge in hysteria or seek for empirical and experimental legislation and fly to every nostrum and every quack that appears in the land. The lessons of the past are replete with information. We can not by legislative fiat change human nature and change the conditions of society that have been set in motion through the operations of the World War. But I believe the American people are going to act prudently and patriotically. I believe that the spirit of unrest will diminish as the days go by; at least I hope so. I believe that we are Americans now as we have been in the past, and that the sinister movements in the land and the intrigues of Bolsheviks and those who seek to destroy the foundation of society will come to naught. There is that stuff in the people of this land that will enable them to meet every emergency and the trials and the dangers encountered will only add to the glory of the victory when peace and justice shall finally prevail.

ADJOURNMENT.

Mr. CURTIS. I move that the Senate adjourn.
The motion was agreed to; and (at 4 o'clock and 5 minutes p. m.) the Senate adjourned until Wednesday, August 20, 1919, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

Monday, August 18, 1919.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O, Lord God our Heavenly Father, the work of the past is done and passed into history. Whatever is good in it shall live, and the evil under the dispensation of Thy providence shall pass away.

But the work of the present and future looms large before us, hence we pray for wisdom to guide us, strength to sustain us, courage to inspire us to go forward with firm and steadfast purpose; that laws shall be enacted which shall tend to quiet the unrest prevalent throughout our country; that the normal may obtain—peace, prosperity, happiness reign. In the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of Friday, August 15, 1919, was read and approved.

CALENDAR FOR UNANIMOUS CONSENT.

The SPEAKER. To-day being the third Monday in the month the Calendar for Unanimous Consent is in order. The Clerk will call the first bill.

FEDERAL RESERVE ACT—TO ENCOURAGE FOREIGN TRADE.

The first bill in order on the Calendar for Unanimous Consent was the bill (S. 2395) amending section 25 of the act approved December 23, 1913, known as the Federal reserve act, as amended, approved September 7, 1916.

The SPEAKER. Is there objection?

Mr. GARD. Mr. Speaker, I object.

The SPEAKER. The gentleman from Ohio objects.

VETO MESSAGE—DAYLIGHT-SAVING ACT.

Mr. WINGO. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WINGO. What has become of the President's veto message on the daylight-saving law?

The SPEAKER. It is on the Speaker's table. It has been thought wise not to take that up until to-morrow, and consequently the Chair thought it better not to lay it before the House at this time, so that the vote might be had upon it to-morrow.

Mr. WINGO. It has already been laid before the House, has it not?

The SPEAKER. It has not. The point of no quorum intervened before the Chair could do so on Friday last.

Mr. WINGO. As I understood the Journal this morning, it contained a recital of the fact that the President's message had been received. I have no objection to the consideration of the message going over until to-morrow, but I think it should be done by action of the House.

The SPEAKER. The Chair thinks it is within the discretion of the Chair to lay it before the House when he pleases.

Mr. WINGO. Surely the Chair does not want that announcement to stand—that the Chair has discretion, in the matter of a presidential veto, to lay it before the House when he pleases?

The SPEAKER. The Chair has been so advised. To be quite frank about the matter, there is some doubt about a quorum being present to-day, and the Chair thought it better that the message go over until to-morrow.

Mr. WINGO. I have no doubt about that; but the proper thing would be for the gentleman from Wyoming [Mr. MONDELL] to ask unanimous consent that further consideration of the President's veto go over until to-morrow or until such time as he desires. I have no objection to that; but I do not want the RECORD to show that a President's veto message was received and that we proceeded with other business, without any consideration, as the Constitution requires. I have no objection to its going over, and I suppose the House has no objection. The reasons for its going over are apparent; but the Journal, as read, shows that the message has been received.

Mr. MADDEN. Mr. Speaker, the gentleman must know that it is not obligatory upon the House to take up the President's message immediately upon its receipt. He knows that as well as anyone else.

Mr. WINGO. It is not obligatory on the House—

Mr. MADDEN. Then, why does the gentleman make so much fuss about it?

Mr. WINGO. I am not making as much fuss as the gentleman. It is not obligatory on the part of the House, except so far as the Constitution places an obligation on the House.

Mr. BLANTON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BLANTON. I do not think we ought to take it up until we get enough Members here from the West to pass it over the President's veto.

Mr. MONDELL. Mr. Speaker, it is my purpose, if the President's veto message is presented to the House to-day, to move a reconsideration of the bill to-morrow. It is my purpose when the message is placed before the House to-morrow to move immediate reconsideration of the daylight-saving bill.

Mr. WINGO. What objection has the gentleman to asking unanimous consent that further consideration go over until to-morrow?

Mr. MADDEN. There is no need for unanimous consent.

Mr. CLARK of Missouri. Nobody has to make any motion to reconsider. It is an automatic performance.

Mr. MONDELL. There are three distinct motions that can be made relative to the President's message. I simply desire to notify the House that so far as I am concerned the motion to refer it to a committee will not be made, and that it is my present opinion that the daylight-saving bill should be reconsidered to-morrow. Of course, something might occur to render it advisable to delay consideration for a day or two.

Mr. WINGO. I think myself that it ought to be considered at a time when Members are present, but I do not want the Journal to show that the veto message was received from the President and that then the House proceeded in violation of the mandate of the Constitution, which requires consideration by the House.

Mr. CLARK of Missouri. It does not require immediate consideration.

Mr. WINGO. Yes, it does; though the word "immediate" does not appear.

Mr. MADDEN. The House proceeds every day with messages coming from the President, which goes to the Speaker's table, and pays no attention to them.

Mr. WINGO. Not veto messages.

Mr. MADDEN. Any kind of a message. It does not take them up until such time as the House thinks it is proper to consider them, and there is no sense or reason for asking unanimous consent to postpone the consideration of it.

Mr. WINGO. Of course, the gentleman's understanding of the Constitution may be just as unreasonable and senseless and foolish as he thinks the constitutional requirements to consider when the veto is received.

Mr. MONDELL. Mr. Speaker, reconsideration of the bill, in view of the President's message, will be taken up to-morrow morning, unless at that time there should be some very urgent reason for postponing its consideration.

Mr. HAUGEN. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. HAUGEN. Can not an arrangement be made to refer it to the Committee on Interstate and Foreign Commerce, and that committee can report it back whenever it is deemed expedient?

Mr. MONDELL. I think it has been understood that the bill will be taken up to-morrow and reconsidered, in view of the veto message.

Mr. HAUGEN. Some of the Members are out of the city, and everybody ought to be given an opportunity to be here.